# THE HYDERABAD GRAM PANCHAYATS ACT, 1956.

**No. XVII of 1956.**

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# THE HYDERABAD GRAM PANCHAYATS

## Act, 1956.

## No. XVII of 1956.

(Received the assent of the President on 24th July, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 28th July, 1956).

**An Act re-enact the law relating to Gram Panchayats in the State of Hyderabad.**

Preamble.

WHEREAS it is expedient to re-enact the law relating to Gram Panchayats;

BE it enacted in the Seventh Year of our Republic as follows:—

## CHAPTER I.

### Preliminary.

Short title, extent and commencement.

**1.** (1) This Act may be called the Hyderabad Gram Panchayats Act, 1956.

(2) It extends to the whole of the State of Hyderabad except areas included within the jurisdiction of Municipal Corporations, Municipal Committees, Town Committees, Mines Boards of Health or Cantonment Boards.

(3) It shall come into force on the date of its publication in the official Gazette.

Definitions.

**2.** (1) In this Act, unless there is anything repugnant in the subject or context—

(1) 'Building' includes a house, out-house, shop, stable, warehouse, workshop, canopy, shed, hut or other enclosure whether used as a human dwelling or otherwise, and shall include wall, compound wall, fencing, verandah, platform, plinth, doorstep and the like;

(2) 'Business' includes any trade, commerce or manufacture or an adventure or concern in the nature of trade, commerce or manufacture;

(3) 'Case' means with reference to judicial proceedings any criminal proceedings in respect of any offence triable by a Nyaya Panchayat;

(4) 'Collector' means the Collector of a Revenue District;

(5) 'Company' means a company as defined in the Indian Companies Act, 1913 (VII of 1913) or formed in pursuance of an Act of Parliament or of an Act of the

Legislature of a State and includes any firm or association carrying on business in the State of Hyderabad whether incorporated or not, or its principal place of business is situated therein, or not ;

(6) 'District Board' means the Board constituted under the Hyderabad District Boards Act, 1955 (I of 1956);

(7) 'Deputy Collector' means the Deputy Collector of a Revenue Division ;

(8) 'District Panchayat Officer' means an officer appointed under section 122 of this Act ;

(9) 'Erection or re-erection' of any building includes—

(i) any material alteration or enlargement of any building ;

(ii) the conversion, by structural alteration, into a place for human habitation of any building not originally constructed for human habitation ;

(iii) the conversion of one or more places of human habitation into a greater number of such places ;

(iv) the conversion of two or more places of human habitation into a lesser number of such places ;

(v) such alteration of a building as would affect a change in the drainage or sanitary arrangements or materially affect its security ;

(vi) the addition of any rooms, buildings, outhouses or other structures to any building ;

(vii) the conversion, by any structural alteration, into a place of religious worship or into a sacred building, any place or building not originally meant or constructed for such purpose ;

(viii) roofing or covering an open space between walls or building, as regards the structure which is formed by roofing or covering such space ;

(ix) conversion into a stall, shop, warehouse or godown of any building not originally constructed for use as such or **vice versa ;**

(x) construction on a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land ;

(10) 'Factory' means besides a factory as defined in the Factories Act, 1948 (LXIII of 1948) any premises including the precincts thereof wherein any industrial, ma-

nufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(11) 'Financial year' means the year beginning on the first day of April, or such other date as the Government may, by notification, appoint;

(12) 'Gram Panchayat' means a Gram Panchayat established under this Act;

(13) 'Gram Sabha' means a Gram Sabha which comes into existence under section 5 of this Act;

(14) 'Karbhari' means the Karbhari appointed under section 43 of this Act;

(15) 'Latrine' includes privy, water closet and urinal:

(16) 'Local Authority' includes a Municipal Corporation, Municipal and Town Committee, District Board, Cantonment Board and Gram Panchayat;

(17) 'Market' means a place for the sale of goods or animals publicly exposed, where ordinarily or periodically at least four shops, stalls or sheds are set up or where at least twenty-five animals are brought for sale;

(18) 'Nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life, or injurious to the health or property of the public, or of the people in general, who dwell in the vicinity or of persons who may have occasion to exercise a public right;

(19) 'Nyaya Panch' means a Nyaya Panch elected under section 167 of this Act;

(20) 'Nyaya Panchayat' means a Nyaya Panchayat established under section 164 of this Act;

(21) 'Offensive or dangerous trade' means any trade, business or industry in which the substances, dealt with, are likely to become a nuisance;

(22) 'Offensive matter' includes filth, sewage, dirt, house sweepings, spittings, including chewed betels and tobacco, kitchen or stable refuse, pieces of broken glass or pottery, debris and waste-paper;

(23) 'Panch' means a Panch elected for a Gram Panchayat under section 9 of this Act;

(24) 'Panchayat Inspector' means the Panchayat Inspector appointed under section 122 of this Act;

(25) 'Pradhan' means a Pradhan elected under section 168 of this Act;

(26) 'Prescribed' means prescribed by rules made under this Act;

(27) 'Proceedings' means proceedings specified under section 194 of this Act;

(28) 'Public Market' means any market belonging to a Gram Panchayat or acquired, constructed, maintained or managed by the Gram Panchayat;

(29) 'Public place' means a space not being private property, which is open to the use or enjoyment of the public, whether such space is vested in the Gram Panchayat or not;

(30) 'Public Street' means any street over which the public have a right of way, whether a thoroughfare or not;

(31) 'Revenue Village' means any local area which is recognised by Government as a village for the purpose of revenue administration;

(32) 'Sarpanch' means the Sarpanch elected under section 26 of this Act;

(33) 'Schedule' means the schedule annexed to this Act;

(34) 'Street' includes any highway, causeway, bridge, viaduct, arch, road, land, footway, subway, court, alley or riding path or passage, whether a thoroughfare or not; and when there is a footway as well as carriageway in any street, the said term includes both;

(35) 'Suit' means a civil suit triable by a Nyaya Panchayat under this Act;

(36) 'Tahsildar' means Tahsildar of a Revenue Taluka;

(37) 'Tax' includes any toll, rate, cess, fee or other impost leviable under this Act;

(38) 'Upa-pradhan' means the Upa-pradhan elected under section 168 of this Act;

(39) 'Upa-Sarpanch' means the Upa-Sarpanch elected under section 26 of this Act;

(40) 'Vehicle' includes a bicycle, cycle-rickshaw, tricycle, auto-rickshaw, motor car and every wheeled conveyance which is used or is capable of being used on a public street;

(41) 'Village' means any local area which is declared to be a village under this Act.

(2) In this Act—

(a) the expression "offence," "complaint," "officer-in-charge of a police station" and "police station" have the same meaning as in section 4 of the Code of Criminal Procedure, 1898;

(b) the expression "decree," "Legal representative" and "movable property" have the same meaning as in section 2 of the Code of Civil Procedure, 1908 (V of 1908).

## CHAPTER II.

### Constitution of Gram Panchayats.

**Declaration of a village for the purposes of this Act.**

**3.** (1) The Government shall, in consultation with the District Board and in the manner prescribed, by a notification published in the Official Gazette—

(a) declare any revenue village which at the last official census had a population of not less than 1,000 and not more than 5,000, to be a village for the purposes of this Act;

(b) group a revenue village with any contiguous revenue village or villages so that the total population of all the revenue villages so grouped is not less than 1,000 and not more than 5,000, and declare the revenue villages so grouped to be a village for the purposes of this Act, and specify the name of such village:

Provided that the Government may, in consultation with the concerned District Board, declare a revenue village or a group of revenue villages with a population of less than 1,000 or more than 5,000, to be a village for the purposes of this Act.

(2) The Government may, after consultation with the District Board, by a like notification at any time—

(a) include within any village or exclude from any village any revenue village or otherwise alter the limits of any such village:

Provided that the population of the residuary village in case of exclusion of a revenue village, is not less than 1,000;

(b) declare that a village shall cease to be a village.

**Exclusion and inclusion of a hamlet.**

**4.** The Government may, in the manner prescribed, by a notification published in the official Gazette, exclude from a village any hamlet thereof so as to include the said

hamlet within the jurisdiction of any other adjoining village specified in the notification.

Gram Sabha.

5. (1) There shall come into existence a Gram Sabha for every village on the date of publication of notification under section 3.

(2) A Gram Sabha shall consist of all persons whose names are included in the list of voters referred to in section 11, and such persons shall be deemed to be the members of the Gram Sabha.

Meetings of Gram Sabha.

6. (1) There shall be held two meetings of the Gram Sabha every year on such date, place and time as may be fixed by the Gram Panchayat :

Provided that the Sarpanch may at any time, or upon a requisition in writing of not less than one-fifth of the members of the Gram Sabha, shall, within thirty days from receipt of such requisition, call an extraordinary meeting.

(2) The Sarpanch shall preside over every meeting of the Gram Sabha.

(3) (a) The first meeting of the Gram Sabha in every financial year shall be held within two months from the commencement of that year and the Gram Panchayat shall place before such meeting its—

(i) annual statement of accounts,

(ii) report on the administration of the preceding financial year, and

(iii) programme of works for the financial year.

(b) The Gram Panchayat shall consider suggestions, if any, of the Gram Sabha.

Establishment of Gram Panchayat.

7. There shall be established for every village a Gram Panchayat ; such Gram Panchayat shall come into existence on such date as the Collector or any other officer appointed by Government in this behalf (hereinafter referred to in the Act as the competent officer) may, in the manner prescribed, notify.

Incorporation of the Gram Panchayat.

8. Every Gram Panchayat shall be a body corporate by the name of the village as specified in the notification issued under section 3, shall have perpetual succession and a common seal, and subject to any restrictions or qualifications imposed by or under this Act or any other law, shall be vested with the authority of suing or being sued in its corporate name, of acquiring, holding and transferring

property movable or immovable, of entering into contracts and of doing all things necessary, proper and expedient for the purposes of this Act.

Constitution of a Gram Panchayat.

**9.** (1) A Gram Panchayat shall consist of such number of elected members as the Collector or the competent officer shall, by notification published in the manner prescribed, declare for each Gram Panchayat.

(2) The representation of each constituency in the Gram Panchayat shall be on the basis of the population of that constituency as ascertained in the preceding census of which the relevant figures have been published and shall be on a scale of not more than one Panch for every 150 of the population :

Provided that the total number of Panchas in the Gram Panchayat shall, in no case, be more than twelve or less than six.

(3) Of the Panchas of a Gram Panchayat there shall be reserved such number of seats for the Scheduled Castes and Scheduled Tribes as shall bear as nearly as may be, the same proportion to the total number of seats in a Gram Panchayat as the population of the Scheduled Castes and Scheduled Tribes in the village bears to the total population of the village.

**Explanation.**—In this section Schedule Castes and Scheduled Tribes shall have the same meaning as is assigned to the expressions in Clauses (24) and (25) of Article 336 of the Constitution of India.

(4) The determination of seats for the Scheduled Castes and Scheduled Tribes under sub-section (3) shall be made by the collector or the competent officer by notification published in the manner prescribed.

Delimitation of constituencies.

**10.** For the purpose of election to the Gram Panchayat the Deputy Collector shall by notification published in the manner prescribed—

(i) divide the village into constituencies and determine the extent of such constituencies ;

(ii) determine the number of Panchas for each constituency ;

(iii) determine the constituencies in which the the seats, if any, reserved under section 9 shall be set apart.

List of voters.

**11.** (1) The Electoral Roll of the Hyderabad Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950, (XLIII of 1950) and for the time being in force for such part of the constituency of the Assembly as is included in a village shall be deemed to be the list of voters of such village.

(2) The Deputy Collector shall maintain a list of voters for such village.

Right to vote.

**12.** (1) Except as expressly provided by this Act and rules made thereunder every person whose name is, for the time being, entered in the list of voters of the constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election under this Act, in more than one constituency, and if he does so, his votes in all constituencies shall be void.

(3) No person shall, at any election, vote in the same constituency more than once, and if he does so, all his votes in that constituency shall be void.

(4) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or otherwise, or is in the lawful custody of police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

Election when to be held.

**13.** (1) The first general election requisite for the purposes of this Act shall be held by the Deputy Collector in the manner prescribed; every subsequent general election shall be held by him in the manner prescribed within three months before the expiry of the term of Office of the Panchas.

(2) A casual vacancy in the Office of a panch shall be filled at a bye-election held by the Deputy Collector :

Provided that no bye-election shall be held to fill a casual vacancy occurring within three months before the expiry of the term of Office of the Panchas.

Notification to call upon constituencies.

**14.** For the purpose of holding elections under this Act the Deputy Collector shall, by a notification published in the manner prescribed, call upon the constituencies to elect Panchas in accordance with the provisions of this Act and of rules made thereunder, before the date specified in the said notification;

Provided that for the purpose of holding elections under sub-section (1) of section 13 no such notification shall be issued at any time earlier than four months before the expiry of term office of the Panchas as specified in section 25.

Election how to be held.

**15.** The election, requisite for the purposes of this Act, shall ordinarily be held by secret ballot :

Provided that, if two-thirds of the total number of members of the Gram Sabha resolve to have the election held by show of hands, election shall be held by show of hands in the manner prescribed.

Qualification of candidates.

**16.** Subject to the provisions of this Act, a person, who is registered in the list of voters of any constituency of the village, shall be qualified to be elected as a panch for any of the Constituencies of that village.

Disqualifications of candidates.

**17.** A person shall be disqualied for being elected as a Panch if, at the date of election, he—

(a) is one who has been sentenced by a competent Court to imprisonment for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months, or to imprisonment for life, such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted or altered to imprisonment for life or imprisonment for any other period :

Provided that on the expiry of such sentence, the disqualification incurred under this clause shall cease ;

(b) is of unsound mind and stands so declared by a competent court, a deaf-mute or a leper ;

(c) is an undischarged insolvent ;

(d) has been dismissed from the service of the Government, Gram Panchayat, or any local Authority for misconduct and has been declared by a competent authority to be ineligible for further employment in public service ;

(e) holds any office or place of profit under the the Government, any local authority or the Gram Panyat ;

(f) has directly or indirectly any share or interest in any contract or employment with, by or on behalf of the Gram Panchayat.

**Explanation.**—A person shall not be deemed to have incurred disqualification under clause (f) by reason only of his—

(a) receiving a pension from the Gram Panchayat;

(b) having any share or interest in—

(i) any lease, sale, exchange or purchase of land or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Gram Panchayat is inserted;

(iv) any Joint Stock Company or any society registered or deemed to be registered under the Hyderabad Co-operative Societies Act, 1952, which shall contract with or be employed by the Sarpanch or Karbhari on behalf of the Gram Panchayat;

(v) the occasional sale to the Sarpanch or Karbhari on behalf of the Gram Panchayat of any article in which he regularly trades, of a value not exceeding in the aggregate in any one financial year, five hundred hupees;

(vi) the occasional letting out on hire to the Gram Panchayat or hiring from the Gram Panchayat of any article for an amount not exceeding in the aggregate, in any one financial year, five hundred rupees;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Gram Panchayat.

Disqualifications for continuing as a Panch.

**18.** (1) A person shall cease to remain a Panch if he—

(a) is or becomes subject to any of the disqualifications specified in section 17;

(b) ceases to reside in the village;

(c) is elected as President of the District Board.

(d) fails to pay arrears of any kind due by him otherwise than in fiduciary capacity to the Gram Panchayat, within three months from the date of service of a bill or notice or if no bill or notice is required to be served under this Act, within three months from the date of service of a notice requiring payment thereof issued by the Sarpanch or Karbhari (which it shall

be their duty to issue and cause to be served at the earliest convenient date);

(e) absents himself at more than three consecutive meetings of the Gram Panchayat, unless leave, so as to absent himself (which shall not exceed three months) has been granted by the Gram Panchayat:

Restoration of Panch to office.

Provided that no meeting from which a Panch absents himself shall be counted against him under this clause, if the notice of that meeting was not given to him.

(2) When a person ceases to be Panch under clause (e) of sub-section (1) the Sarpanch shall at once intimate the fact in writing to such person and report the same to the Gram Panchayat in its next meeting. If such person applies for restoration to the Gram Panchayat on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, whichever is later, the Gram Panchayat may, at the meeting next after the receipt of such application or **suo moto,** restore him to his office as a Panch:

Provided that a Panch shall not be restored more than twice during his term of office.

Authority to decide questions of disqualification of Panchas.

**19.** Any question as to whether a Panch by becoming subject to any of the disqualifications under sub-section (1) of section 18 has ceased to be a panch shall be decided by the Munsiff-Magistrate within whose jurisdiction the village is situated. The decision of such Munsiff-Magistrate shall be final.

Prohibition of simultaneous membership.

**20.** (1) If a person is elected by more than one constituency, he shall by notice in writing signed by him and delivered to the Deputy Collector or any other officer authorised by him in this behalf, with the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) When any such choice has been made, the constituency or constituencies other than the constituency which such person has chosen to serve, shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-section (1) the election of such person shall be void and all constituencies concerned shall be called upon to elect another person or persons.

Simultaneous membership in more than one Gram Panchat.

**21.** (1) No person shall continue as a Panch in more than one Gram Panchayat.

(2) If a person is elected as a Panch in more than one Gram Panchayat, he shall within a week from the date of publication of names under section 23, and if the dates are different from the later date, choose any one of the Gram Panchayats which he shall serve and tender his resignation in other Gram Panchayats.

(3) If such person does not make the choice referred to in sub-section (2) he shall cease to continue as Panch in all the Gram Panchayats.

Produce when no panch is elected.

**22.** (1) If at a general election or bye-election to a Gram Panchayat no Panch is elected, a fresh election shall be held on such date as the Deputy Collector may fix in this behalf.

(2) The term of office of a Panch elected under this section shall expire at the time at which it would have expired if he had been elected at the general election or bye-election as the case may be.

Publication of names of Panchas.

**23.** The names of all the Panchas finally elected to a Gram Panchayat shall forthwith be published by the Deputy Collector in the manner prescribed.

Election disputes.

**24.** (1) No election held under this Act, shall be called in question except through an election petition which shall contain such matters, claim such relief and be presented in such manner as may be prescribed.

(2) An election petition calling in question any election under this Act, may be presented to the Munsiff-Magistrate by any candidate at such election, or any voter in such form and within such time but not earlier than the date of publication of results of the election under section 23 as may be prescribed.

(3) The Munsiff-Magistrate shall deal with such petitions and proceedings in connection therewith, in the prescribed manner. The decision of the Munsiff-Magistrate on such election petitions shall be final and conclusive and shall not be questioned in any Court of law.

Term of Office.

**25.** (1) Except as otherwise provided for in this Act, the term of office of the Panchas elected at general elections shall be three years commencing from the date

of the first meeting of the Gram Panchayat under sub-section (2) of section 26:

Provided that Government may, by notification in the Official Gazette, for sufficient cause, which shall be stated therein, direct that term of office of the Panchas as a whole be extended by such period or periods not exceeding one year, as may be specified in the notification.

(2) The term of office of the outgoing Panchas shall be deemed to extend to, and expire with, the day before the date of such first meeting.

Election of Sarpanch and Upa-Sarpanch.

**26.** (1) For every Gram Panchayat one of the Panchas shall be elected to be Sarpanch and one to be Upa-Sarpanch by the Gram Panchayat. The name of the Sarpanch and the Upa-Sarpanch shall be published in the same manner as under section 23.

(2) The first meeting of the Gram Panchayat, to elect a Sarpanch and an Upa-Sarpanch shall be called within one month of the publication of names of Panchas under section 23 by the Tahsildar or an officer not below the rank of Naib Tahsildar authorised by him in this behalf, after giving at least three clear days' notice thereof. Such meeting shall not be held prior to the date of expiry of the term of the outgoing Panchas.

(3) Every Sarpanch or Upa-Sarpanch shall cease to be as such on the expiry of his term of office as a Panch:

Provided that on the expiry of the term of office as Panch the Sarpanch and Upa-Sarpanch shall continue to carry on the current administrative duties of their offices until such time as new Sarpanch or Upa-Sarpanch is elected and takes over charge.

Resignatoin of Panch, Sarpanch or Upa-Sarpanch.

**27.** (1) A Panch may resign his office by giving a notice in writing to the Sarpanch.

(2) The Sarpanch or Upa-Sarpanch may resign his office by giving notice in writing to the Deputy Collector.

(3) Such resignation shall take effect from the date of their acceptance by the Sarpanch in the case of a Panch and by the Deputy Collector in the case of Sarpanch or Upa-Sarpanch.

(4) The Sarpanch shall, on the acceptance of the resignation, immediately report it to the Deputy Collector.

Motion of No-Confidence.

**28.** (1) A motion of no-confidence may be moved by any Panch after giving such notice as may be prescribed against the Sarpanch and Upa-Sarpanch.

(2) If the motion against the Sarpanch is carried by a majority of not less than two-thirds of the total number of Panchas or if the motion against the Upa-Sarpanch is carried by a majority of the total number of Panchas, the Sarpanch or the Upa-Sarpanch, as the case may be, shall, within three days of the passing of the motion, resign his office by submitting his resignation to the Gram Panchayat and thereupon his office shall be deemed to be vacant.

(3) If the Sarpanch or the Upa-Sarpanch, as the case may be, against whom the motion of no-confidence has been carried, does not resign his office within the period specified in sub-section (2) he shall be removed from his office by the Collector or the competent officer.

(4) Notwithstanding anything contained in this Act or rules made thereunder, a Sarpanch or an Upa-Sarpanch shall not preside over a meeting in which a motion of no-confidence is discussed against him but he shall have a right to speak and otherwise to take part in the proceedings of the Gram Panchayat.

Vacancy in the Office of Sarpanch or Upa-Sarpanch.

**29.** The Sarpanch or the Upa-Sarpanch shall vacate his office—

(a) On the expiry of his term of office under sub-section (3) of section 26;

(b) on ceasing to be a Panch for reasons other than the expiry of his term of office as a Panch;

(c) on ceasing to be a Sarpanch or Upa-Sarpanch under section 28.

Filling up of casual vacancies.

**30.** Any vacancy in the Gram Panchayat, due to death, resignation or removal of Sarpanch, Upa-Sarpanch, or a Panch or to his becoming incapable of acting as such or to his otherwise ceasing to be a Sarpanch, Upa-Sarpanch or Panch previous to the expiry of the term of his office shall be filled up by election of a person thereto.

(2) The person so elected shall hold office so long as the person in whose place he has been elected would have held it if such vacancy had not occurred.

Vacancy or irregularity not to invalidate the proceedings.

**31.** (1) No act of a Gram Panchayat or Sub-Committee thereof or of any person acting as Sarpanch, Upa-Panch or Panch shall be deemed to be invalid by reason only of some defect in the establishment of such Gram Panchayat or election or appointment of Sarpanch, Upa-Sarpanch or Panch, or on the ground that they or any of them were disqualified for such office, or that formal notice of intention to hold a meeting of the Gram Panchayat was not duly given, or for any other informality.

(2) Anything done or any proceedings taken under this Act shall not be questioned on account of any vacancy in a Gram Panchayat or Sub-Committee thereof.

Meetings of Gram Panchayat.

**32.** (1) A Gram Panchayat shall meet for the transaction of business at least once in every month at such time and place as the Sarpanch may determine.

(2) The Sarpanch may, whenever he thinks fit, and shall, upon the written request of not less than one-half of the total number of Panchas, call a special meeting.

(3) Seven clear days' notice of an ordinary meeting and three clear days' notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted thereat, shall be given to the Panchas and posted in the office of the Gram Panchayat.

Quorum and procedure.

**33.** (1) The quorum for a meeting of the Gram Panchayat shall not be less than one-half of the total number of Panchas. If the quorum is not complete at a meeting the presiding authority shall adjourn the meeting to such time on the following day or some future day as he may fix. A notice of the meeting so fixed shall be posted in the office of the Gram Panchayat. The business, which could not be considered at the meeting so postponed for want of quorum, shall be brought before and disposed of, at the meeting so fixed or at any subsequent adjourned meeting irrespective of whether there be a quorum or not.

(2) At every meeting of the Gram Panchayat the Sarpanch or in his absence the Upa-Sarpanch shall preside and in the absence of both, the Panchas present, shall choose one from amongst themselves.

(3) All questions shall be decided by a majority of votes of the Panchas present and voting, the presiding authority having a casting vote in all cases of equality of votes.

Bar of modifying or cancelling the resolution.

**34.** No resolution of the Gram Panchayat shall be modified within three months after the passing thereof, except by a resolution supported by two-third of the whole number of Panchas.

Minutes.

**35.** The names of the Panchas present at every meeting of the Gram Panchayat or its Sub-Committee and the proceedings and the decisions taken thereat shall be entered in a Minute Book and confirmed at the next ensuing meeting by the person presiding. The Minute Book shall, at all reasonable times, be opened to inspection by any Panch.

Rights of Individual Panchas.

**36.** (1) Any Panch may call the attention of the Sarpanch to any neglect in the execution of Gram Panchayat work, to any waste of Gram Panchayat property or to the wants of any locality, and may suggest any improvements which may appear desirable.

(2) Every Panch shall have a right to move resolution and to interpellate the Sarpanch on matters connected with the administration of the Gram Panchayat, subject to such rules as may be prescribed.

## CHAPTER III.

### Subordinate Agencies and Joint Committees, Officers and Servants.

Sub-Committees.

**37.** (1) A Gram Panchayat may, from among its Panchas, constitute Sub-Committees for the purpose of exercising such powers, and discharging such duties and performing such functions as may be delegated or assigned to them by the Gram Panchayat, and may appoint any Panch or a Sub-Committee of Panchas to enquire into and report on any matter referred to them. The Gram Panchayat may also regulate the procedure of Sub-Committees constituted by it.

(2) The Gram Panchayat may at any time withdraw the delegation or assignment of powers, duties or functions made under sub-section (1).

(3) The Gram Panchayat may from time to time, by a resolution supported by not less than one-half of its Panchas, co-opt as members of any sub-committee for such term as the Gram Panchayat may specify, any persons who are not Panchas but who may, in the opinion of the Gram Panchayat, posses special qualifications or knowledge for serving on such sub-committees.

(4) Co-opted members shall not have the right to vote and shall be liable to be removed by the Gram Panchayat by a resolution supported by not less than one-half of its Panchas.

Joint Committees.

**38.** (1) A Gram Panchayat may, with the sanction of the Government, join with any one or more local authorities in appointing a Joint Committee out of their respective bodies for any purpose in which they are jointly interested.

(2) A Gram Panchayat may, from time to time, subject to the sanction of Government, enter into an agreement with any other local authority, for the levy of any tax or taxes jointly instead of separately, and the apportionment of the proceeds of such taxes.

(3) If any difference of opinion arises between the local authorities in respect of any matter arising out of such action, the decision thereupon of the Government or such officer as may be appointed by Government in this behalf, shall be **final:**

Provided that where one of the local authorities is a Cantonment Board, the decision of the Government or of the officer shall be subject to the concurrence of the Central Government.

Functions of Sarpanch.

**39.** The Sarpanch shall—

(a) preside over and regulate the meetings of the Gram Panchayat;

(b) keep the records and registers of the Gram Panchayat in his custody;

(c) exercise supervision and control over the acts done and action taken by all officers and servants of the Gram Panchayat;

(d) incur contingent expenditure upto five rupees at any one time;

(e) operate on the Panchayat fund including authorisation of payment, issue of cheques and refunds;

(f) issue receipts under his signature for sums of money received on behalf of Gram Panchayat;

(g) be responsible for the safe custody of Gram Panchayat fund;

(h) cause to be prepared all statements and reports required by or under this Act;

(i) exercise such other powers and discharge such other functions as may be conferred or imposed upon him by this Act or rules made thereunder.

Functions of Upa-Sarpanch.

**40.** The Upa-Sarpanch shall—

(a) in the absence of Sarpanch preside over the meetings of the Gram Panchayat;

(b) exercise such of the powers and perform such of the duties of Sarpanch as the Sarpanch may, from time to time, delegate to him;

(c) pending the election of a Sarpanch or in case the Sarpanch has been continuously absent from the village for more than fifteen days or is incapacitated, exercise the powers and perform the duties of the Sarpanch.

Consequences of absence of Sarpanch or Upa-Sarpanch without leave.

**41.** (1) Every Sarpanch or Upa-Sarpanch who, for a period exceeding three months, absents himself from the village, in such manner as to be unable to perform his duties as such Sarpanch or Upa-Sarpanch, shall cease to be Sarpanch or Upa-Sarpanch, as the case may be, unless leave so to absent himself has been granted by the Gram Panchayat.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months and whenever leave is granted to a Sarpanch or Upa-Sarpanch thereunder, the Gram Panchayat shall elect one of its Panchas to exercise all the powers and perform all the duties of an Upa-Sarpanch who is exercising the powers and performing the duties of the Sarpanch or, who is absent on leave during the period for which such leave is granted.

Officers and Servants.

**42.** Subject to such rules as may be made in this behalf, every Gram Panchayat may employ such officers and servants except the Karbhari, and assign to them such pay (not exceeding Rs. 30 per month) and allowances, gratuities, pensions and contributions as may be necessary.

Karbhari.

**43.** (1) The Collector or the competent officer shall appoint a Karbhari for every Gram Panchayat to perform such duties as are hereinafter specified and such other duties as may be imposed or conferred on him under this Act—

(a) preparation and maintenance of assessment lists;

(b) maintenance of essential statistics;

(c) maintenance of accounts and records;

(d) recovery of Gram Panchayat dues;

(e) execution and supervision of works undertaken by the Gram Panchayat;

(f) preparation and checking of estimates and bills in respect of works;

(g) supervision of sanitation and public health measures;

(h) maintenance of proceedings of the Gram Panchayat and forwarding copies of such proceedings to the prescribed authorities within the prescribed period;

(i) issuing of bills and notices to the defaulters;

(j) taking part in the deliberations of the meetings of the Gram Panchayat without the right to vote or move any motion thereat;

(k) making reports to the authorities concerned regarding crimes and offences within the village;

(l) doing of all other acts in accordance with the decisions of the Gram Panchayat or the Government or any authority authorised by Government regarding the duties entrusted to the Gram Panchayat.

(2) The Karbhari shall be a servant of the Gram Panchayat and his salary shall be paid from the Panchayat fund.

(3) The qualifications, method of recruitment, remuneration and conditions of service of the Karbhari shall be such as may be prescribed.

(4) It shall be lawful for the Collector or the competent officer to transfer a Karbhari from one Gram Panchayat to another Gram Panchayat within the same district.

(5) The Gram Panchayat may, by a resolution passed by a majority of two-thirds of the total number of Panchas recommend to the Collector or to the competent officer for taking such disciplinary action as may be required against the Karbhari in respect of any misconduct or negligence committed by him.

Disqualifications of Officers and Servants.

**44.** Any Officer or Servant of the Gram Panchayat who acquires by himself or through his partner any share or interest in any contract with, by or on behalf of the Gram Panchayat shall cease to be such officer or servant.

## CHAPTER IV.

### Duties, Functions and Powers of the Gram Panchayat.

Compulsory Duties.

**45.** (1) Subject to the general control of the District Board the Gram Panchayat shall, in addition to other duties imposed upon it by this Act, or by any other law for the time being in force, so far as the funds at its disposal may admit, undertake and make reasonable provisions for the following matters in village, namely :—

(i) framing programmes of production for the village ;

(ii) reclamation of waste land and bringing waste land under cultivation ;

(iii) acting as the channel through which Government's assistance reaches the village ;

(iv) securing minimum standards of cultivation in the village with a view to increasing production ;

(v) making arrangements for co-operative management of lands and other resources in the village and organisation of collective farming, credit societies and multi-purpose co-operative societies ;

(vi) assisting in the implementation of Land Reform measures in the village ;

(vii) establishment and maintenance of warehouses and common granaries ;

(viii) construction, repair and maintenance of public wells, ponds and tanks and regulating sources of supply of water including piped water supply, where possible, for drinking, washing and bathing purposes except those under the control of Government or other local authority ;

(ix) construction and maintenance of village roads, cart-tracks, footpaths, culverts, bridges and buildings except those under the control of the Government or other local authority ;

(x) construction of drains and disposal of drainage water and sullage ;

(xi) cleansing and maintenance of street drains, pools, tanks and wells (other than tanks and wells used for irrigation) ;

(xii) regulating the construction of latrines, urinals, water-closets, drains, etc. ;

(xiii) regulation of buildings, shops, shows, eating and other entertainment houses ;

(xiv) sanitation, conservancy and prevention and abatement of nuisance ;

(xv) preservation and improvement of public health, particularly the prevention and control of epidemics ;

(xvi) regulating, checking and abating of offensive or dangerous trades or practices ;

(xvii) maintenance and regulation of the use of public buildings, pastures vested in the Gram Panchayat ;

(xviii) removal of rubbish heaps, jungle growth, prickly pear, filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, prevention of water logging in irrigated areas, and other improvements of sanitary conditions ;

(xix) removal of encroachments on public streets, public places and property vested in the Gram Panchayat ;

(xx) opening, maintenance and regulation of cremation and burial grounds, and disposal of unclaimed carcasses of animals and setting apart of places outside the village site for the skinning and cutting up of carcasses ;

(xxi) establishment, management and maintenance of cattle pounds ;

(xxii) lighting of public roads, lanes and public places ;

(xxiii) extension of village sites ;

(xxiv) control of cattle stands, threshing floors, grazing grounds and other community waste lands;

(xxv) excavation, cleansing and maintenance of ponds for the supply of water to animals ;

(xxvi) improvement of cattle including purchase and maintenance of studbulls and providing veterinary relief ;

(xxvii) establishment, maintenance and regulation of fairs, jatras, festivals and markets ;

(xxviii) ensuring conservation of manural resources, preparing compost and sale of manure ;

(xxix) rendering assistance in extinguishing fire and protecting life and property when fire occurs ;

(xxx) maintenance of such records relating to cattle census, population census and other statistics as may be prescribed ;

(xxxi) maternity and child welfare ;

(xxxii) organising voluntary labour for community works and works for the uplift of the village ;

(xxxiii) organising a village volunteer force for watch and ward, for assisting the Gram Panchayat or Nyaya Panchayat in the discharge of their functions and for the services of summons and notices issued ;

(2) No suit for damages or for specific performance shall be maintainable against any Gram Panchayat, Sarpanch, Upa-Sarpanch, Karbhari or any other officer, or servant thereof on the grounds that any of the duties specified in sub-section (1) has not been performed.

Discretionary function.

**46.** Subject to the general control of the District Board, the Gram Panchayat may, in addition to other duties imposed upon it by this Act, or any other law for the time being in force, at its discretion, undertake and make provisions for the following matters in the village namely :—

(i) providing facilities for travellers, construction and maintenance of Dharmashalas and Sarais ;

(ii) relief to the crippled, destitutes and the sick etc. :

(iii) planting and preservation of groves and trees on the sides of roads and other public places ;

(iv) promotion and development of education, cottage industries and trade ;

(v) arranging for the cultivation of fallow lands and lands not cultivated or managed by the owners ;

(vi) assisting and advising agriculturists in the obtaining of Government loans and in the repayment thereof, in the liquidation of old debts and generally in the establishment of sound credit system according to law ;

(vii) establishment and maintenance of nursaries and improved seeds and implement stores and production and use of improved seeds ;

(viii) relief against famine or other calamity ;

(ix) providing medical relief ;

(x) establishment and maintenance of akhadas, clubs and other places for recreation ;

(xi) establishment and maintenance of theatres for promotion of art and culture ;

(xii) laying down and maintenance of parks and playgrounds ;

(xiii) establishment and maintenance of libraries and reading rooms ;

(xiv) provision, maintenance and control of slaughter-houses ;

(xv) regulating sale and preservation of meat in meat-stalls or by vendors ;

(xvi) construction and maintenance of public latrines ;

(xvii) registration of births and deaths subject to the Hyderabad Births and Deaths Regulation of 1359 Fasli ;

(xviii) setting up organisations to promote goodwill and social harmony between different communities, removal of untouchability, eradication of corruption and discouraging gambling and litigation ;

(xix) reporting to the proper authorities, village complaints which are not removable by the Gram Panchayat ;

(xx) destruction of stray and ownerless dogs ;

(xxi) preparation of statistics of unemployment ;

(xxii) developing additional employment opportunities in the village ;

(xxiii) construction and maintenance of houses for conservancy staff ;

(xxiv) other measures of public utility calculated to promote the safety, health, comfort, and the moral, social and material well-being or convenience of the residents of the village.

Transfer of functions to Gram Panchayats in respect of Irrigation Works.

**47.** The Government may, subject to such limitations and conditions as may be prescribed, transfer to the Gram Panchayat the construction, protection and maintenance of any village irrigation work, the expenditure of the annual Government provision for special urgent repairs or the regulation of the distribution of water from any such work to the fields depending on it.

Transfer of powers and functions of any District Board to Gram Panchayats and vice versa.

48. The Government may, in consultation with the District Board or Gram Panchayat, as the case may be, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that—

(i) any power or function vested in a District Board by or under the Hyderabad District Boards Act, 1955, (I of 1956), shall be transferred to and be exercised or performed by Gram Panchayat within the area under its jurisdiction, or,

(ii) any power or function vested in a Gram Panchayat by or under this Act, shall be transferred to and be exercised or performed by any District Board within the area under its jurisdiction, or

(iii) any power or function vested in a District Board under the Hyderabad District Boards Act, 1955, (I of 1956), as well as in a Gram Panchayat under this Act, may be exercised or performed exclusively either by the District Board or by the Gram Panchayat within the area under its jurisdiction.

Assignment of functions.

49. (1) Subject to any law for the time being in force, the Government may, by notification and subject to conditions specified therein—

(a) transfer to any Gram Panchayat the management and maintenance of a forest adjacent to the village; should such transfer be made, the Government shall direct that any expenses of such management or maintenance or a portion of income of such forest be given to the Gram Panchayat for the work undertaken;

(b) make over to the Gram Panchayat the management of waste lands, pasture lands, village sites, situate within the village;

(c) entrust the Gram Panchayat with the collection of land revenue on behalf of the Government;

(d) entrust the Gram Panchayat with the work of maintenance of land records. On issue of such notification the Patwari of the village shall report change of possession to the Gram Panchayat in addition to sending notice of such registration to the concerned parties;

(e) entrust the Gram Panchayat with the arrangement of cultivation of :—

(i) common-lands,

(ii) lands, the management of which is assumed by Government,

(iii) lands, which the owners are unable to cultivate;

(f) authorise any Gram Panchayat to exercise any functions or perform any duties other than those specified in this Act.

(2) The Gram Panchayat shall, subject to the prescribed conditions, have the power to do all acts necessary and incidental to the carrying out of the functions transferred, made over or entrusted to it under this Act.

Power of Gram Panchayat as to roads, bridges and water-ways.

**50.** The Gram Panchayat shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property, and not being under the control or management of any local authority or Government or specially excepted by any order of the Government or the local authority, and may do all things necessary for the maintenance and repair thereof and may—

(a) lay-out and make new roads;

(b) construct any bridge or culvert;

(c) widen, open, enlarge, or otherwise improve any road, bridge or culvert;

(d) divert, discontinue or close any road, bridge or culvert; and

(e) deepen or otherwise improve water-ways.

Power to name streets and number buildings.

**51.** The Gram Panchayat may, in the manner prescribed, cause a name to be given to any street and may also cause a number to be affixed to any building and in like manner may, from time to time, cause such name and numbers to be altered.

Control of the erection of buildings.

**52.** (1) No person shall erect or re-erect or commence to erect or re-erect any building without permission of the Gram Panchayat.

(2) Permission shall be presumed to have been granted if the Gram Panchayat fails to communicate the sanction or refusal in respect thereof within two months from the date of receipt of the application for permission. In case of refusal the Gram Panchayat shall give reasons for the same.

(3) Whenever any building is erected or re-erected without such permission or in any manner contrary to

the provisions of sub-section (1) or to any conditions imposed by the Gram Panchayat, the Gram Panchayat may—

(a) direct that the building, alteration or addition be stopped, or

(b) by written notice require such building, alteration or addition to be altered or demolished as it may deem necessary, or

(c) withdraw the permission.

(4) If the requirement under clause (b) of sub-section (3) is not complied with, within the time fixed in the notice, the Gram Panchayat may have the required act done by its officers and servants at the expense of such person and recover the cost of required act from such person as arrears of tax under this Act.

(5) Nothing contained in this section shall apply to any building which is used or required for public service or for any public purpose and is the property of the Government or the District Board or is to be erected or re-erected by the Government or District Board :

Provided that reasonable notice of the proposed construction shall be caused to be given to the Gram Panchayat and the objections or suggestions of the Gram Panchayat, if any, shall be considered.

**Prohibition of encroachments upon streets, etc.**

**53.** (1) No person shall, without the written permission of the Gram Panchayat—

(a) build, erect or place any immovable or movable encroachment on any street or over or on any sewer, drain or water course, or build or make any immovable or movable overhanging structure projecting into a street.

(b) take up or alter the pavement or other material or the fences or parts of any street ;

(c) deposit building material, goods for sale, or any articles of merchandise on any street ;

(d) make any hole or excavation on, in or under any street, or remove material from beneath any street, so as to cause risk of subsidence.

(2) The Gram Panchayat may, after giving sufficient opportunity to offer objections, if any, and the decision thereof by notice, require any person to remove any such encroachment or overhanging structure, if any, made by him, or any such material, goods and articles or mer-

chandise deposited by him, and where necessary to restore the street, sewer, drain or water-course to the condition it was before the encroachment.

(3) If the requirement is not complied with, within the time fixed in the notice, the Gram Panchayat may have the required act done by its officers and servants at the expense of such person and recover the cost of required act from such person as arrears of tax under this Act.

Removal of structures, trees, etc., which are in ruins or likely to fall.

**54.** (1) If it appears at any time to the Gram Panchayat that any building or any part thereof or any tree or branch of a tree is in a ruinous condition or likely to fall, or is in any way dangerous to any person occupying, resorting to or passing by such building or its part, or tree, the Gram Panchayat may, by written notice, require the owner or occupier of such building or tree as the case may be—

(i) to pull down, lop or cut down, or

(ii) to secure, or

(iii) to remove, or

(iv) to repair such building or part of it and to prevent all causes of danger therefrom.

(2) If it appears to the Gram Panchayat that the danger from a building or tree which is ruinous or about to fall is imminent, it may, before the period of notice expires, fence off, pull down, lop or cut down, secure or repair the said building or tree or take such steps as may be required to arrest the danger.

(3) Any expenses incurred by the Gram Panchayat in this behalf shall be paid by the owner or occupier of the building or trees, as the case may be.

(4) The Gram Panchayat shall issue a notice under sub-section (1), after giving the owner or occupier as the case may be, a reasonable opportunity of stating any objection and adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

Licenses.

**55.** (1) No place within the limits of a Gram Panchayat shall be used for the purposes specified hereunder except under a license from the Gram Panchayat:—

(a) boiling paddy or camphor;

(b) storing or otherwise dealing with manure, offal, blood, bones, hides, fish, horns or skins;

(c) burning bricks, tiles, pottery or lime;

(d) manufacturing artificial manure or bidis;

(e) manufacturing gun powder or fire-works;

(f) keeping a hotel, restaurant, eating house, coffee house or lodging house (other than students hostel, or Dharamsala);

(g) keeping a hair dressing saloon;

(h) keeping twenty or more sheep and|or goats or ten or more pigs;

(i) preparing flour or articles made of flour for human consumption or sweetmeats;

(j) manufacturing ice or aerated water;

(k) selling or storing timber;

(l) thatching materials, hay, grass, straw, coal or charcoal;

(m) selling wholesale or retail or storing for wholesale or retail trade or for purposes other than private or domestic use, grain, groundnut, tamarind, chillies, jaggery, pulses, flour, bran, oilcakes or agricultural produce which is likely to attract rats;

(n) manufacturing jaggery, sugar candy or syrup;

(o) storing any explosive or combustible materials;

(p) selling cotton wholesale or retail or storing cotton for wholesale or retail trade or for conversion into yarn;

(q) manufacturing anything from which offensive or unwholesome smell arises;

(r) any trade or operation which, in the opinion of the Gram Panchayat, is dangerous to life, health or property or likely to create a nuisance either from its nature or by reason of the manner in which or the conditions under which the same is or is proposed to be carried on.

(2) The application for obtaining a license shall be given on the prescribed form.

(3) In case of refusal of a license the Gram Panchayat shall give reason for the same.

Licenses and written permission to specify conditions, etc., on which they are granted.

56. (1) Whenever it is provided in this Act that a license or a written permission may be given for any purpose, such license or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Sarpanch.

Fees to be chargeable.

(2) For every such license or written permission a fee may be charged at such rate as shall from time to time be fixed by the Gram Panchayat.

Licenses and written permission may be revoked, etc.

(3) Any license or written permission granted under this Act may at any time be suspended or revoked by the Gram Panchayat, if any of its restrictions or conditions are infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any rules made thereunder in any matter to which such license or permission relates :

Provided that reasonable opportunity is given to the person concerned to explain his conduct.

Power to order the discontinuance of the use of premises for unlicensed trades.

(4) (a) if any premises are used without obtaining license for any of the purposes specified in section 55 or having obtained a license, is being used in contravention of the terms of such license or is continued to be used after license thereof has been suspended or revoked by the Gram Panchayat, the Gram Panchayat may at any time by written notice require that the same shall be discontinued by the person so using it.

(b) If within the period specified in such written notice, the requisitions contained therein are not carried out by the person or owner, as the case may be, any officer authorised by the Gram Panchayat in this behalf may enter the premises and cause the usage as such thereof to be discontinued.

(c) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or for the use of any force necessary for the purpose of effecting an entrance under this section.

(5) Every person to whom any such license or written permission has been granted shall, at all reasonable times, while such written permission or license remains in force, if so required by the Gram Panchayat produce such license or written permission.

(6) The acceptance by or on behalf of the Gram Panchayat of the fee for a license or permission shall not, by itself, entitle the person paying the fee to the license or permission.

Control of dairies

**57.** No place within the jurisdiction of a Gram Panchayat shall be used as a dairy without a license from the Gram Panchayat.

Power as to sanitation and conservancy.

**58.** (1) If it appears necessary to improve the sanitary conditions of any area within its jurisdiction, a Gram Panchayat may, by a written notice, require the owner or occupier within a reasonable period, to be specified therein—

(a) to remove a hut or privy either wholly or in part;

**Explanation.**—'Hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the Gram Panchayat declare to be a hut for the purposes of this clause.

(b) to construct in a building private drains therefor or to alter, or to remove any private drains thereof;

(c) to cause any land or building to be cleased to the satisfaction of the Gram Panchayat.

(d) where any land or building contains a well, pool litch, pit, pond, tank, or any drain, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action as may be deemed necessary by the Gram Panchayat;

(e) to cause any land overgrown with vegetation, undergrowth, prickly-pear, or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to be cleared off the vegetation, undergrowth prickly-pear or jungle;

(f) to convert any step-well into a draw well;

Provided that the Gram Panchayat shall hear and decide objections, if any, raised by the person on whom a notice has been so served.

(2) If any work required under sub-section (1) is not executed within the period specified in the notice, the

Gram Panchayat may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax under this Act.

Power to provide for proper water supply.

**59.** (1) The Gram Panchayat may provide or arrange for the provision of water supply including protected piped water supply for public and domestic use in the village and may for the said purpose—

(a) construct, repair and maintain tanks or wells, convert step wells into draw-wells and cleanse streams or water course ;

(b) purchase or acquire by lease or gift, any tank, well, stream or water course, or any right to take or convey water within or without the area under its control ;

(c) with the consent of the owner thereof utilise, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom ;

(d) contract with any person for supply of water; or

(e) do any other act necessary for carrying out the purposes of this section.

(2) Notwithstanding anything contained in sub-section (1) the Government may make water supply arrangement out of Government funds to supply protected piped water supply for domestic use in a village.

(3) The Government may, at any time, entrust the management of the water supply arrangement made under sub-section (2) to a Gram Panchayat.

Power to prohibit bathing, etc.

**60.** The Gram Panchayat may, by order published at such places as it may think fit—

(a) prohibit all bathing, washing of clothes and animals or other acts calculated to pollute the water of any tank, well, stream or water course set apart for drinking or domestic purposes under sub-section (1) of section 59 ; and

(b) prohibit during epidemics the use of any source of water supply for drinking or domestic purposes or for the washing of clothes.

Power of entry.

**61.** (1) The Sarpanch, and if authorised in writing in this behalf by the Gram Panchayat, the Upa-Sarpanch, Panch or any officer or servant of a Gram Panchayat may

enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this act:

Provided that:—

(a) except when under this Act or rules made thereunder otherwise required, no such entry shall be made between sunset and sunrise;

(b) unless the entry be with the consent of its occupier, no dwelling house shall be entered into without giving reasonable previous notice signed by the Sarpanch or by a person duly authorised in this behalf of the intention to make such entry.

(2) Due regard shall be had in making entry into or upon any building or land and during the period of such entry, to the social and religious usages of the occupants of the premises entered.

Acquisition of land.

**62.** When any land is required, within or without the area subject to the jurisdiction of the Gram Panchayat for the purposes of this Act, the Government may, on the request of the Gram Panchayat, proceed to acquire it under the provisions of the Hyderabad Land Acquisition Act 1309 F. (IX of 1309 Fasli).

Such an acquisition shall be deemed to be an acquisition for a public purpose within the meaning of the said Act.

Auctions.

**63.** The Gram Panchayat shall have power to hold auctions and enter into contracts pertaining to such auctions:

Provided that when the period of such contracts exceeds one year but does not exceed three years, the sanction of the District Board and when it exceeds three years, the sanction of the Government shall be obtained.

Power to regulate slaughter of animals.

**64.** (1) Gram Panchayat may fix places or premises—

(a) for keeping animals of any specified description which are to be sold for purposes of slaughter;

(b) for the slaughter of such animals; and

(c) for the sale of meat of such animals and may grant and withdraw licenses for the use of such places or permises.

(2) A Gram Panchayat may prohibit the slaughter of animals for sale of meat at any place within the vil-

lage other than a slaughter house maintained by the Gram Panchayat or the District Board.

Management of public institutions.

**65.** (1) The management, control and administration of every public institution maintained out of the Gram Panchayat fund shall vest in the Gram Panchayat.

(2) When any public institution has been placed under the direction, management and control of the Gram Panchayat, all property, endowments and funds belonging thereto, shall be held by the Gram Panchayat in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed :

Provided that the extent of the independent authority of the Gram Panchayat in respect of any such institution may be prescribed.

Village Plan.

**66.** (1) Subject to such rules as may be prescribed and in consultation with the Gram Panchayat concerned, there may be prepared for the area within the limits of the village, a village plan and the Government may by notification sanction such village plan.

(2) No person shall erect or re-erect any building except in accordance with the village plan sanctioned under sub-section (1).

## CHAPTER V.

### Prevention of Crimes and maintenance of law and order.

Assignment of powers for maintenance of law and order and prevention of crime.

**67.** Subject to any law for the time being in force the Government may, by notification and subject to conditions specified therein, empower a Gram Panchayat to take measures for maintenance of law and order and prevention of crimes in the village and to appoint a kotwal and one or more of his asistants as chowkidars therefor.

(2) The remuneration of the kotwal and his assistants and all matters relating to their recruitment, conditions of service, powers and duties shall be determined in accordance with the rules prescribed.

(3) The cost of maintenance of kotwal and chowkidars or any part thereof may be contributed by the Government to the Gram Panchayat Fund.

Powers and duties of Kotwal.

**68.** (1) The kotwal shall exercise the following powers and perform the following duties :—

(i) he shall give immediate information to the officer-in-charge of the police station having juris-

diction over the village and to the Sarpanch, of every unnatural, suspicious or sudden death which may occur, and of any offence specified in Schedule 'A' which may be committed within the jurisdiction of the Gram Panchayat and he shall keep the officer-in-charge of the said police station and the Sarpanch informed of all disputes which are likely to lead to a riot or serious affray;

(ii) he may, without an order from a Magistrate and without a warrant, arrest—

(a) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information received, or a reasonable suspicion exists of his having been so concerned;

(b) any person who has been proclaimed as an offender under any law;

(c) any person in whose possession anything is found which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence, with reference to such thing;

(d) any person who obstructs a public servant while in the execution of his duty or who has escaped, or attempts to escape, from lawful custody;

e) any person reasonably suspected of being a deserter from the Indian Army, Navy or Air Force; and

(f) any released convict committing a breach of any rule made under sub-section (3) of section 565 of the Code of Criminal Procedure, 1898 (V of 1898);

(iii) he shall to the best of his ability prevent and may interpose for the purpose of preventing, the commission of any offence specified in Schedule 'A';

(iv) he shall assist private persons in making such arrests as they may lawfully make, and shall report such arrests without delay to the officer-in-charge of the police station having jurisdiction over the village;

(v) he shall observe, and from time to time report to such officer-in-charge, the movements of all bad characters within the jurisdiction of the village;

(vi) he shall report to such officer-in-charge the arrival of suspicious characters in the neighbourhood;

(vii) he shall supply any local information which any Magistrate or police officer may require :

(viii) he shall obey the orders of the Gram Panchayat in regard to keeping watch within its jurisdiction and in regard to other matters connected with his duties ;

(ix) he shall give immediate information to the Gram Panchayat of the commission of any offence under this Act or any rule made thereunder which has come to his knowledge or of any damage to any property vested in the Gram Panchayat or under its control ;

(x) he shall assist any person duly authorised by the Gram Panchayat to collect any tax, toll or fee ;

(xi) he shall serve such processes as may be prescribed upon persons residing within the village ; and

(xii) he shall carry out such other duties as may be entrusted to him from time to time in accordance with this Act or any rule made thereunder.

(2) Every chowkidar shall be subordinate to the kotwal and carry out such of the duties as may be assigned to him by the kotwal.

Arrested person to be taken to police station.

**69.** Whenever a kotwal arrests any person under section 68 he shall forthwith take the person so arrested to the police station having jurisdiction over the village :

Provided that if the arrest is made at night such person shall be kept in the village chaudi and be so taken, as soon as convenient, on the following morning.

## CHAPTER VI.

### The Gram Panchayat Fund.

Gram Panchayat Fund.

**70.** Subject to such rules as may be prescribed there shall be formed for every Gram Panchayat a 'Gram Panchayat Fund' and there shall be placed to the credit thereof :—

(a) the accumulated balances of the Gram Panchayat Fund at the commencement of this Act ;

(b) all sums of taxes, tolls, fees, authorised to be levied under this Act ;

(c) all interests and profits arising from any investment of or from any transaction in connection with money belonging to the Gram Panchayat ;

(d) all fees and fines payable and levied under this Act or under any rule made thereunder;

(e) all moneys received by way of compensation or for compounding offences under the provisions of this Act;

(f) grants and assignments of revenue and contributions made by the Government and local authorities and donations, gifts or deposits of private individuals or any institutions and loans raised by the Gram Panchayat;

(g) all sums received on account of fines and unclaimed sale proceeds under the provisions of the Hyderabad Cattle Trespass Act, 1337 Fasli. (V of 1337 F.).

(h) all sums received by or on behalf of the Gram Panchayat under this Act or otherwise.

Grants from District Board and Government.

**71.** (1) Notwithstanding anything contained in the provisions of the Hyderabad District Boards Act, 1955, (I of 1956), every Gram Panchayat shall receive an amount equal to 50% of the local cess collected in the village under section 135 of the said Act.

(2) Every Gram Panchayat shall receive the amount equal to 15% of the land revenue of the village as a grant from the Government.

Custody and investment of Gram Panchayat Fund.

**72.** (1) The Gram Panchayat fund shall be vested in the Gram Panchayat and shall be kept in Government treasury or Postal Savings Bank or any other Bank approved by the Government.

(2) A Gram Panchayat may from time to time with the approval of the Government invest any portion of its fund in securities of the Government of Hyderabad or in such other securities including fixed deposits in Bank as the Government may approve in this behalf, and may vary such investments for others of a like nature, and the income accruing from the securities and the proceeds of the sale of the securities shall be credited to the Gram Panchayat Fund.

Administration of and expenditure from Gram Panchayat Fund.

**73.** (1) The Gram Panchayat Fund shall be administered by the Gram Panchayat and the expenses incurred by the Gram Panchayat in carrying out the purposes of this Act or rules made thereunder shall be paid out of the Gram Panchayat Fund.

(2) The Gram Panchayat may, with the previous sanction of the District Board—

(a) sanction contributions to schools, hospitals, dispensaries, public libraries, and educational and charitable institutions established for the purpse of public benefit;

(b) pay compensation to any person sustaining any damage by reason of exercise of any power vested in the Gram Panchayat, its Panchas, officers and servants under this Act;

(c) meet expenses of any public reception, ceremony or entertainment.

Power to borrow.

**74.** With the sanction of Government and subject to such conditions as may be prescribed, a Gram Panchayat may borrow money for carrying out any of the purposes of this Act.

**Budget.**

Preparation of budget.

**75.** Subject to such rules as may be prescribed, every Gram Panchayat shall prepare a budget estimate of income and expenditure including balances for the ensuing financial year and shall forward it to the District Board on or before the date prescribed. The estimate so prepared shall provide for a minimum amount standing to the credit of the Gram Panchayat at the end of the year equivalent to the amount required for the payment of salaries of the officers and servants of the Gram Panchayat and for defraying the expenses of contingencies for at least six months.

Scrutiny of budget.

**76.** (1) Every such budget shall be scrutinized and sanctioned by the District Board with such modifications, if any, as it deems fit:

Provided that the budget shall be presumed to have been sanctioned if it is not returned by the District Board within three months of the receipt thereof by it.

(2) No expenditure which is not provided for in the budget shall be incurred without the previous sanction of the District Board.

Accounts.

**77.** Every Gram Panchayat shall maintain accounts of all the receipts and expenditure of every year in the manner prescribed; all such accounts and the report of the administration of the preceding year shall be submitted by the Karbhari to the Gram Panchayat for sanction and all such accounts shall be examined and audited in such manner as may be prescribed.

Statement, report and programme to be placed before Gram Sabha.

**78.** (1) Every Gram Panchayat shall place before the Gram Sabha, the statement of accounts together with a report on the administration for the preceding financial year and the programme of the works prepared for the year, as required under section 6. A copy of such state-

ment of accounts, report and programme shall be kept for inspection in the office of the Gram Panchayat.

(2) Within a week after such meeting any suggestions in writing about the future programme may be made to the Gram Panchayat for consideration.

Abstract of accounts.

**79.** An abstract of every annual accounts of Gram Panchayat with such information and in such form as may be prescribed along with the administration report of the preceding financial year, shall be forwarded by the Gram Panchayat to the District Board not later than the end of the first month of the current financial year. The District Board shall draw up a combined statement and report for all the Gram Panchayats under its jurisdiction in such manner as may be prescribed, and forward it to the Government.

## CHAPTER VII.

### Taxation.

Power of taxation.

**80.** (1) Subject to such rules as may be prescribed in this behalf, a Gram Panchayat shall within one year from the date of its establishment impose—

(a) property tax;

(b) tax on professions, trades and callings;

(c) vehicle tax;

(d) tax on transfer of immovable property:

Provided that if the Gram Panchayat fails to impose any of the above taxes, Government may take necessary steps to impose the tax and tax so imposed shall be deemed to have been imposed by the Gram Panchayat.

(2) Subject to rules made under this Act a Gram Panchayat may impose—

(a) piligrim tax;

(b) general water tax;

(c) entertainment tax;

(d) animal tax;

(e) toll;

(f) fees for the supply of water through private pipe connection;

(g) fees for the occupation of markets and market sites;

(h) fees for the occupation of chaudies, sarais and other similar buildings under the control of the Gram Panchayat;

(i) fees for the use of cattle-stands, threshing floors, cart-stands, slaughter houses, village sites and other community lands, public places or parts thereof ;

(j) fees for the registration of animals sold in the markets other than the agricultural markets ;

(k) fees for the cleansing of private latrine ;

(l) fees for fishing in ponds and sale of entire fish crop ;

(m) fees for temporary erection on, or putting up projection over ; or temporary occupation of, any public street or place ;

(n) fees for grazing of cattles in grazing lands vesting in a Gram Panchayat.

(3) The taxes and fees specified in sub-sections (1) and (2) shall be assessed, levied and collected in accordance with the provisions of this Act and the rules made thereunder.

Property tax.

**81.** (1) The property-tax shall be leviable on all buildings and non-agricultural lands in the village except—

(a) buildings and lands vesting in the Union Government, District Board or the Gram Panchayat ;

(b) buildings and lands vesting in the State Government and used solely for public purposes and not used or intended to be used for purposes of profit ;

(c) buildings and lands solely occupied and used for public worship or for charitable or educational purposes ;

(d) buildings and lands solely used for purposes connected with the disposal of the dead.

(2) The following buildings and lands or portions thereof shall not be deemed to be solely occupied and used for public worship or for charitable or educational purposes within the meaning of clause (c) of sub-section (1), namely :—

(a) buildings or lands or portions thereof in which any trade or business is carried on ; and,

(b) buildings or lands or portions thereof in respect of which rent is derived, whether such rent is or is not applied solely to religious, charitable or educational purposes.

Tax on professions, trades and callings.

**82.** Subject to rules made under this Act, every company which transacts business in the village for not less than sixty days in the aggregate in any half year, and every person who in any half year—

(a) carries on a profession, trade or calling or transacts business—

(i) within the village for not less than sixty days in aggregate, or

(ii) without the village but resides in the village for not less than sixty days in the aggregaate, or

(b) resides in such village for not less than sixty days in aggregate and is in receipt of income from investment, shall pay the tax assessed in accordance with the rules.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax:

Provided that this tax shall not be levied on agricultural income:

Provided further that no person whose aggregate annual income does not exceed one hundred and twenty rupees shall be liable to pay the profession tax.

Vehicle tax.

**83.** (1) Subject to rules made under this Act, the vehicle tax shall be leviable on all vehicles kept or used within the village.

(2) The following vehicles shall be exempted from this tax:—

(a) vehicles belonging to the Gram Panchayat;

(b) vehicles belonging to the Government or the District Board used or intended to be used for public purposes and not used or intended to be used for purposes of profit;

(c) carts belonging to agriculturists and used solely for agricultural purposes.

Tax on Transfer of immovable property.

**84.** The tax on transfer of immovable property shall be levied on every transfer either by sale, gift or mortgage of immovable property at such rates and in such manner as may be prescribed.

Toll.

**85.** (1) Subject to such rules as may be prescribed a toll shall be levied on—

(a) every vehicle, and

(b) every animal used for driving, draught, or burden which enters the limits of the village :

Provided that the toll shall not be leviable on any such vehicle or animal more than once on any one date.

(2) The following vehicles or animals shall be exempted from the levy of the toll :—

(a) those belonging to the Gram Panchayat ;

(b) those belonging to the Government, or District Board but not used or intended to be used for the purposes of profit ;

(c) those belonging to agriculturists and kept within the village and used for their own agricultural work ;

(d) animals drawing a vehicle on which the toll is levied ;

(e) those for which vehicle or animal tax under section 80 has been paid ;

(f) those exempted by the Government by a general or special order.

(3) Any owner of a Vehicle or animal may commute payments of the toll at such rates and in such manner as may be prescribed.

Levy and collection two annas cess on every rupee of land.

**86.** A Gram Panchayat shall, on a resolution passed in a meeting of the Gram Sabha, apply to the Government to levy and collect for a specific period a cess at the rate of two annas on every rupee of every sum payable to the Government as ordinary land revenue and thereupon the Government may in addition to any cess leviable under section 135 of the Hyderabad District Boards Act, 1955 (I of 1956), levy and collect such cess in the area within the jurisdiction of such Gram Panchayat and the provisions of section 136 of the Hyderabad District Boards Act, 1955 shall apply thereto with the modification that for the word 'Board' wherever it occures the words 'Gram Panchayat' shall be deemed to have been substituted as they apply to the levy of a local cess leviable under section 135 of the Hyderabad District Boards Act, 1955 (I of 1956) :

Provided that the resolution of the Gram Sabha recommending the levy and collection of the said cess shall be supported by not less than two thirds of the total number of members of the Gram Sabha.

Impressment of labour.

87. (1) Subject to rules made under this Act, a Gram Panchayat may, by order in writing, call upon adult males residing in the village to perform such labour, as it may specify in the order, on works of public utility which, in the opinion of the Gram Panchayat are likely to benefit such persons and which the Gram Panchayat has undertaken to construct, maintain or repair under section 45 or 46:

Provided that no such order shall be issued by the Gram Panchayat without the approval of Gram Sabha.

(2) A person required to perform labour under the provisions of sub-section (1) may have it performed by another on his behalf or pay for its performance at such rates as may be determined by the Gram Panchayat.

(3) Any person who, without sufficient cause, neglects or refuses to perform the labour referred to in sub-section (1) or does not get the labour performed or does not pay for the performance of the Labour, as provided in sub-section (2) shall be punishable with a fine which may extend to fifty rupees.

Procedure in imposing taxes.

88. (1) No tax or fee shall be imposed or levied under section 80 unless the Gram Panchayat, at a special meeting convened for this purpose, passed a resolution proposing the imposition of such tax or fee:

Provided that in the case of tax leviable under clause (a) of sub-section (2) of section 80 no such resolution shall be valid unless passed by a majority of two-thirds of the total number of panchas.

(2) When such a resolution has been passed, the Gram Panchayat shall publish, in the manner prescribed, a notice defining the class of persons or the property to be taxed, the amount or rate of the tax or fee to be imposed.

(3) Any resident of the village objecting to the proposed tax, may, within 30 days from the publication of the notice, submit his objection in writing to the Gram Panchayat.

(4) The Gram Panchayat shall consider all such objections at a special meeting and may modify the proposals so as not to affect their substance, and then forward them to the District Board.

(5) The District Board may sanction or refuse to sanction such proposals or sanction them subject to such modifications as it may deem fit, or return them to the Gram Panchayat for reconsideration.

(6) If any proposals of taxation have been sanctioned the District Board may, by notification, direct the imposition of the tax or fee as sanctioned from such date and at such rate as may be specified in the notification and thereupon the tax or fee shall come into effect as from the date so specified.

(7) A notification of imposition of a tax or fee under this section shall be conclusive evidence of the fact that the tax or fee has been imposed in accordance with the provisions of this Act.

Procedure for abolishing or varying taxes.

**89.** A Gram Panchayat may, by a resolution passed at a special meeting and with the previous sanction of the District Board, abolish or vary the rate of any tax or fee already imposed :

Provided that such proposal has been dealt with according to the procedure laid down in section 88 for the imposition of a new tax or fee.

Procedure of suspending or exempting from taxes.

**90.** A Gram Panchayat may, with the previous sanction of the District Board and by a resolution passed at a special meeting by a majority of two-thirds of the total number of panchas, suspend the operation of any tax within the village or any part thereof for a specified period or exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Power of District Board to increase taxation of Panchayat.

**91.** (1) If in the opinion of the District Board the regular income of a Gram Panchayat falls below what is necessary for the proper discharge of the duties specified in section 45 and 46, the said District Board may require the Gram Panchayat to take steps within six months, to increase its income to such extent as the District Board considers necessary. If the Gram Panchayat fails to take adequate steps to increase its income to the required extent, the District Board may require it to levy the taxes or fees specified in sub-sction (2) of section 80 or enhance the rate at which any of the taxes or fees specified in section 80 is levied.

(2) The Gram Panchayat may appeal to the Government against an order made under sub-section (1) and the Government may stay the execution of such order until it has decided the appeal. The decision of the Government shall be final.

(3) Should the Gram Panchayat fail to levy a tax or fees or enhance the rates of taxes or fees as required

under sub-section (1) or as decided under sub-section (2) the District Board may, with the previous sanction of Government and by notification, levy or enhance the rates of taxes and fees.

Power to call for information.

**92.** A Gram Panchayat or any other authorised by it in this behalf, may, by notice call, upon any resident of the village to furnish within a reasonable time such information as may be necessary in order to ascertain—

(a) whether such resident is liable to pay any tax or fee imposed under this Act, and

(b) the amount at which he should be assessed.

Assessment not invalid due to defect of form.

**93.** No assesment and no charge or demand of any tax or fee under the authority of this Act shall be invalid by reason of any clerical error or other defect of form.

**Collection of taxes.**

Presentation of bill for amount of tax.

**94.** (1) When any amount on account of a tax, fee, contract, lease, auction or any other money claimable or any fine imposed under this Act or the rules made thereunder is due, the Gram Panchayat shall cause to be presented to the person liable for the payment thereof a bill in the form prescribed, for the sum claimed as due,

(2) Every such bill shall specify—

(a) the amount of tax or any other money due to the Gram Panchayat;

(b) the period for which,

(c) the property, occupation or thing in respect of which the sum is calimed, and

(d) the liability incurred in default of payment.

Notice of demand.

**95.** If the person to whom a bill has been presented as aforesaid does not, within thirty days from the presentation thereof, either—

(a) pay the sum claimed as due in the bill, or

(b) show cause to the satisfaction of the Sarpanch or any person appointed by him in this behalf why he should not pay the same,

the Sarpanch may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form of schedule 'B'.

In what cases warrant may issue.

96. (1) If the person liable for the payment of the sum due does not, within fifteen days from the service of such notice of demand pay the sum demanded in the notice such sum with all costs of the recovery may be recovered under a warant to be issued by the Sarpanch in the form of Schedule 'C' to the like effect by distress and sale of movable property of the defaulter, or the warrant may be sent to the Tahsildar of the Taluq concerned who shall collect the dues as if these were arrears of land revenue.

(2) Every warrant shall be signed by the Sarpanch of the Gram Panchayat.

Power of entry under special order.

97. Any Officer, to whom a warrant is addressed may, if the warrant contains a special order authorising him in this behalf, but not otherwise, break open at any time between sunrise and sunset any outer or inner door or window of a building in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such Officer shall not enter or break open the door or any apartment set apart for women until he has given reasonable notice of his intension to enter or break open and has given such women an opportunity to remove themselves.

Warrant how to be executed.

98. Such Officer may distrain, wherever it may be found, any movable property of the person named in the warrant as a defaulter subject to the following conditions, exceptions and exemptions, namely—

(a) the following property shall not be distrained:—

(i) the necessary wearing apparel, cooking vessels, bedding of the defaulter, his wife and children, and such ornaments as in accordance with religious usage cannot be parted with by any women;

(ii) the tools of artisans; and

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain and such cattle as may be necessary to enable him to earn his livelihood;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possi-

ble equal in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of the Sarpanch, should not have been so distrained, those shall forthwith be returned; and

(c) the officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of schedule 'D' that the said property will be sold as specified in such notice:

Provided that if after the property is distrained and before it has been sold, the sum due by the defaulter with all costs incidental to notice, warrant and distress of the property is paid, the distress shall be removed.

Sale of goods distrained.

**99.** (1) When the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody together with the amount to be levied is likely to exceed its value, the Sarpanch shall at once give notice to the person in possession thereof at the time of seizure to the effect that it will be sold atonce and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

(2) If not sold under sub-section (1) the property seized may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs, incidental to the notice, warrant, distress and detention of the property is paid, be on the expiry of the time specified in the notice served by the person executing the warrant, sold by public auction and the proceeds or such part there as shall be requisite, shall be applied in discharge of the sum and the incidental costs as aforesaid.

(3) The surplus, if any, shall be forthwith credited to the Gram Panchayat fund, notice of such credit being given at the same time to the person from whose possession the property was taken. But if the same be claimed by written application to the Gram Panchayat within one year from the date of notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Gram Panchayat.

Fees and costs chargeable.

**100.** Fees for—

(a) every notice issued under section 95,

(b) every distress made under section 98, and

(c) the costs of maintaining any live-stock seized under the said section; shall be chargeable at the prescribed rates and shall be included in the costs of recovery.

Appeal.

**101.** (1) An appeal against any bill of sum issued under section 94 shall lie to the Munsiff-Magistrate within whose jurisdiction the Gram Panchayat is situated.

(2) No appeal shall lie unless—

(a) the appeal is preferred within 30 days next after service of the bill of sum complained of;

(b) the amount claimed from the appellant has been deposited by him in the office of the Gram Panchayat.

(3) The decision of the Munsiff-Magistrate shall be final and the Gram Panchayat shall give effect to it.

Farming of right to collect tax, toll or fee.

**102.** (1) The Gram Panchayat may, by public auction or other-wise by private contract, lease the right to collect tax, toll or fee which may be imposed under clauses (e), (g) and (j) of sub-section (2) of section 80 in the manner prescribed:

Provided that the lessee shall give sufficient security for the due fulfilment of the conditions of lease.

(2) Where a lease has been given under sub-section (1) the lessee or any other person employed by him to collect toll and fees shall, subject to the conditions of the lease, have the power referred to in sub-section (1) of section 103.

Procedure in case of nonpayment of toll.

**103.** (1) In the case of the non-payment on demand of any toll or fee referred to in section 102, the person appointed to collect such toll or fee may seize and detain any vehicle or animal or such portion of the load of any animal or vehicle on which the toll or fee is chargeable or such portion of the goods exposed or about to be exposed for sale by the person from whom it is due, as in his opinion will suffice to defray the amount of toll or fee due.

(2) All property seized under sub-section (1) shall be sent within 24 hours to the Sarpanch or such officer as he may authorise in this behalf, and the Sarpanch or such officer shall forthwith give notice to the person in

possession of the property seized, or if such person cannot be found, publish by beat of drum that after the date of the service or publication of such notice, the property shall be sold by auction:

Provided that when any property seized is subject to speedy or natural decay, it shall be taken to the Sarpanch or the officer authorised in this behalf, and the Sarpanch or such officer shall cause it to be sold at once.

(3) If at any time before the sale is complete the person whose property has been so seized tenders the amount of all expenses incurred and of toll or fee payable, the property seized shall forthwith be released.

(4) If no such tender is made, the sale of property may be completed and the proceeds of the sale applied to the payment of such toll or fee and of the expenses incidental to the seizure, detention, publication by beat of drum and sale.

(5) The surplus, if any, on application made to the Gram Panchayat within six months, may be paid to the person in whose possession the property was when seized, and if no such application is made, shall be the property of the Gram Panchayat.

Liability of Land, buildings, etc., for taxes.

**104.** Any tax or sum leviable under this Act in respect of any building or land shall, subject to prior payment of land revenue, if any, due thereupon, be a first charge upon the building or land, in respect of which the said tax or sum is leviable, and upon the movable property, if any, found belonging to the person liable for such sum or tax:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Receipts to be given for all payments.

**105.** For all sums paid on account of any tax, toll or fee under this Act, a receipt stating the amount and the tax, toll or fee on account of which it has been paid shall be tendered by the person receiving the same.

Bar of other proceedings.

**106.** No objection shall be taken to any valuation, assessment or levy nor shall the liability of any person to be assessed or taxed, be called into question in any other manner or by any authority other than that provided in this Act.

Limitation of recovery proceedings.

**107.** No distraint shall be made for the recovery of any sums due to a Gram Panchayat under this Act after the expiry of six years from the date on which such sums became due. The Gram Panchayat, may within three years after the expiry of the said period of six years, institute a suit for the recovery of the same.

Recovery of arrears of taxes and other dues as arrears of land revenue.

**108.** Not withstanding any other mode of recovery provided by this Act, arrears of any tax or any other money due to the Gram Panchayat under this Act, any amount due to the Gram Panchayat under a contract, aggrement, lease, auction, securities or indemnity bond or otherwise and fine imposed under this Act or the rules made thereunder, together with any sum on account of process fees which may be fixed by rules made under this Act, and with interest at a rate not exceeding six and a quarter per cent per annum, shall also be recoverable on the application of the Gram Panchayat as if it were arrears of the land revenue:

Provided that no interest shall be recovered in any case in which the competent Revenue Officer, for reasons to be recorded in writing, considers it inexpedient that interest should be charged.

Refunds.

**109.** No refund of any tax, toll or fee shall be claimable by any person otherwise than in accordance with the provisions of this Act or the rules made thereunder.

Power to write off irrecoverable taxes, fees, etc.

**110.** Subject to such rules as may be prescribed the Gram Panchayat may, with the approval of the District Board, write off any tax, fee or other amount or sum whatsoever is due to it, whether under a contract or otherwise, if in its opinion such tax, fee, amount or sum is irrecoverable.

## CHAPTER VIII.

### Control.

Inspection of property or work.

**111.** The Collector, the President of the District Board, the District Panchayat Officer, the Deputy Collector, Tahsildar or any other Officer authorised by the Government, Collector or District Board in this behalf may—

(a) enter and inspect any immovable property or any work in progress under the orders of, or any institution controlled by a Gram Panchayat;

(b) call for any extract from the proceedings of the Gram Panchayat or any sub-Committee appointed by the Gram Panchayat and call for or inspect any book or document in the possession of or under the control of a Gram Panchayat; and

(c) require the Gram Panchayat or the Karbhari to furnish any return, plan, estimate, statement, account, report or any other information or statistics which he may consider necessary.

Power to provide for performance of duties in default of Gram Panchayat.

**112.** (1) When the District Board is informed on complaint made or otherwise that any Gram Panchayat in its jurisdiction has made default in performing any duty under this Act, and is satisfied, after enquiry, that the Gram Panchayat has been guilty of the alleged default or any other default revealed in the course of the enquiry, it may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed the District Board may appoint some person to perform it, and may direct that the expense of performing it and a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Gram Panchayat.

(3) If the expense and the remuneration are not so paid, the District Board may make an order directing the person having the custody of the balance of the Gram Panchayat fund to pay the expense and remuneration, or as much thereof as is possible from that balance. Such person shall, so far as the funds to the credit of the Gram Panchayat admit, be bound to comply with such order.

Power to suspend execution of order.

**113.** (1) If in the opinion of the Collector or the District Board the execution of any order or resolution of a Gram Panchayat under their jurisdiction, or the doing of any act which is about to be done, or is being done, by or on behalf of the Gram Panchayat is causing or likely to cause injury or annoyance to the public or to any class or body of persons or to lead to a breach of peace, the Collector or the District Board, as the case may be, may by order in writing suspend the execution or prohibit the doing thereof.

(2) When the District Board makes an order under sub-section (1) it shall forthwith forward to the Collector a copy of the order with a statement of reasons for mak-

ing it and it shall be in the discretion of the Collector to rescind the order or to direct that it shall continue to be in force with or without modification permanently or for such period as he thinks fit.

(3) When the Collector makes an order under sub-section (1) he shall forthwith send to the District Board a copy of such order.

Extraordinary powers of Collector in cases of emrgency.

**114.** (1) In cases of emergency the Collector may direct or provide for the execution of any work or the doing of any act which the Gram Panchayat is empowered to execute or do, and the immediate execution or doing of which is, in the opinion of the Collector, necessary for the safety of the pubilc and may direct that the expenses of executing the work or doing the act with a reasonable remuneration to the person or persons appointed to execute or do it, shall be forthwith paid by the Gram Panchayat.

(2) If the expense and remuneration are not so paid, the Collector may direct the person having the custody of the balance of the Gram Panchayat fund to pay the expense and remuneration, or as much thereof as possible from the balances of such fund. Such person shall, so far as the funds to the credit of the Gram Panchayat admit, be bound to comply with such order.

Dissolution and reconstitution of Gram Panchayat.

**115.** (1) If in the opinion of the Governmen a Gram Panchayat persistently makes default in performing the duties imposed on it under this Act or any other law for the time being inforce or exceeds or abuses its power, or a situation exists in which the administration of the Gram Panchayat cannot be carried on in accordance with the provisions of this Act, or the financial stability or credit of the Gram Panchayat is threatened, it may, by notification published in the official Gazette, direct that the Gram Panchayat may be dissolved and reconstituted. The notification shall specify the time within which the Gram Panchayat shall be reconstituted :

Provided that for the purpose of completing the elections to a Gram Panchayat which has been dissolved, the Government may from time to time extend the time fixed under this sub-section for its reconstitution.

(2) Before publishing a notification under sub-section (1) the Government shall communicate to the Gram Panchayat concerned the grounds on which they propose to do so, fix a reasonable period for the Gram Panchayat

to show cause against the proposal and consider the explanations and objections, if any, of such Gram Panchayat.

(3) Upon publication of such notification all Panchas including Sarpanch and Upa-Sarpanch, shall forthwith be deemed to have vacated their office as such.

(4) When a Gram Panchayat is dissolved, the District Board, until the date of reconstitution thereof and a reconstituted Gram Panchayat thereafter, shall be entitled to all the assets and be subject to all the liabilities of the Gram Panchayat as on the date of dissolution and on the date of reconstitution.

(5) During any interval between the dissolution and the reconstitution of a Gram Panchayat under sub-section (1), all or any of the powers of the Gram Panchayat may be exercised and discharged, as far as may be, by the District Board or by such person as may be appointed by it; and such person shall, if the District Board so directs, receive his remuneration.

Dissolution and reconstitution of Gram Panchayat on alteration of limits of village.

**116.** (1) When a revenue village or hamlet is included within or excluded from a village or the limits of a village are otherwise altered under section 3 or 4, the Government may, by notification, dissolve the Gram Panchayat of that village and direct that a Gram Panchayat—

(i) be reconstituted for the village of which the Panchayat has been dissolved; or

(ii) be established for a village which has been newly declared.

The Panchas of the Gram Panchayat which has been dissolved shall vacate their office from the date specified in the notification.

(2) On dissolution and reconstitution or establishment of a Gram Panchayat under sub-section (1) the following consequences shall ensue—

(a) the Gram Panchayat constituted in respect of such village shall cease to exist or to function and all the Panchas of the Gram Panchayat shall vacate office;

(b) until Gram Panchayats are constituted for the new villages the concerned District Board shall exercise the powers and perform the functions of the Gram Panchayat for each of the new villages;

(c) the unexpended balance of the Panchayat fund and all the porperty (including arrears of taxes and fees) belonging to such Gram Panchayats shall vest in

the new Gram Panchayats in such proportion and in such manner as the Collector may direct;

(d) the officers and servants of such Gram Panchayat shall be allocated by the Collector between the new Gram Panchayats in such manner as he may direct;

(e) subject to clauses (a) to (d) the provisions of section 119 shall **mutatis mutandis** apply to the District Board or the new Gram Panchayats and their Panchas.

Vesting of property, etc., of Gram Panchayat which has been reconstituted or established.

**117.** (1) When a Gram Panchayat has been dissolved and reconstituted or established under section 116, so much of the Panchayat Fund and other property vesting in the Gram Panchayat which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the reconstituted or established Gram Panchayat as the Collector may, by order in writing, direct.

(2) The rights and liabilities of the Gram Panchayat, which has been dissolved, in respect of contracts, aggreements and other matters or things arising in or relating to any part of the area subject to the authority of the reconstituted or established Gram Panchayat, shall vest in such Gram Panchayat.

(3) Any notice, tax, order, license, permission, or rule made, issued or imposed in respect of any part of the area subject to the authority of the reconstituted or established Gram Panchayat shall be deemed to have been made, issued or imposed by or in respect of such Gram Panchayat, unless and until it is superseded by any notice, tax, order, license, permission or rule made, issued or imposed by or in respect of such Gram Panchayat.

Effect of area being excluded from village.

**118.** Where by a notification under subsection (2) of section 3 any revenue village is excluded from a village and such revenue village is not included in or declared to be a village, so much of the Panchayat fund and other property vesting in the Gram Panchayat of the village of which such revenue village formed part, as the Collector may by order in writing direct, shall vest in the District Board to be utilised for the benefit of the area as the District Board may think fit.

Effect of grouping of villages.

**119.** (1) When two or more villages cease to be villages and declared to be one village (hereinafter in this section referred to as the grouped village) by virtue of a

notification under section 3, with effect from the date on which such notification is issued (hereinafter in this section referred to as the said date) the folowing consequences shall ensue, namely :—

(a) the Gram Panchayats of such villages shall cease to exist and all the Panchas of such Gram Panchayats shall vacate office ;

(b) all powers and duties of such Gram Panchayats shall be exercised and performed by the District Board ;

(c) the unexpended balance of the Panchayat funds and all the property including arrears of rates, taxes and fees belonging to such Gram Panchayats and all rights and powers which, prior to the said date, vested in such Gram Panchayats, shall, subject to all charges and liabilities affecting the same, vest as the Panchayat fund :—

(i) in the District Board, until the Gram Panchayat for the grouped village is constituted (hereinafter referred to as the grouped Gram Panchayat) and holds its first meeting under sub-section (2) of section 26 and

(ii) thereafter, in the grouped Gram Panchayat;

(d) the unexpended balance of the Panchayat funds and all the property including arrears of rates, taxes and fees shall, until the grouped Gram Panchayat is constituted and holds its first meeeting, be utilised for the benefit of the inhabitants of such village in such manner as the District Board may think fit;

(e) any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued, imposed or granted in respect of such villages and in force on the said date shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the grouped village until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued, imposed or granted under this Act ;

(f) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated by such Gram Panchayats immediately before the said date shall be deemed to have been made or authenticated in respect of the grouped village under this Act ;

(g) all debts and obligations incurred and all contracts made by or on behalf of such Gram Panchayats immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the grouped Gram Panchayat in exercise of the powers conferred on it by this Act;

(h) all officiers and servants in the employ of such Gram Panchayats, immediately before the said date shall be officers and servants of the grouped Gram Panchayat and shall, until other provision is made in accordance with this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date:

Provided that it shall be competent to the District Board or the grouped Gram Panchayat, subject however, to the previous sanction of the Collector or the competent officer, to discontinue the services of any officer or servant who, in their opinion, is not necessary or suitable to the requirements of the Gram Panchayat service in respect of the grouped village, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity, as he would have been entitled to take or receive on being invalidated out of service, as if the Village Panchayats, in the employ of which he was, had not ceased to exist;

(i) all proceedings pending at the said date before such Gram Panchayts shall be deemed to be transferred to and continued by the Distirct Board or the grouped Gram Panchayat, as the case may be;

(j) all prosecutions instituted by or on behalf of such Gram Panchayats and all suits or other legal proceedings instituted by or against such Gram Panchayats or any officer of such Gram Panchayts pending at the said date shall be continued by or against the Grouped Gram Panchayat.

(2) If any difficulty arises in giving effect to the provisions of section 116 and this section, the Government may by order, as the occasion may require, do anything which appears to it to be necssary to remove the difficulty.

Disputes.

**120.** (1) If a dispute arises between two or more Gram Panchayats the matter shall be referred to the Dis-

trict Board and the decision of the District Board shall be final.

(2) If a dispute arises between two or more Gram Panchayats in different districts the matter shall be referred to the Government or to any other authority empowered by the Government in this behalf for decision. The decision of the Government or of the authority so empowered shall be final.

Government's powers of general control over Revenue Officers and to enforce orders in case of default at the cost of the Gram Pnachayat.

**121.** (1) In all matters connected with this Act, the Government shall have and exercise the same authority and control over the District Boards as it has and exercises over them under the Hyderabd District Boards Act, 1955 (I of 1956).

(2) In all matters connected with this Act or the rules made thereunder, unless it is otherwise provided therein the Government shall have and exercise over Collectors and Deputy Collectors, and the Collectors and Deputy Collectors, shall have and exercise over the officers subordinate to them, the same authority as they respectively have and exercise over them in the general and revenue adminstration.

(3) In all matters connected with this Act if a Gram Panchayat makes default in carrying out any order made by the Government or by any authority other than the Gram Panchayat in the exercise of any of the powers conferred by this Act or rules made thereunder, the Government or such authority shall have the power necessary for the enforcement of such order at the cost of the Gram Panchayat.

Appointment of officers.

**122.** (1) The Government may appoint one District Panchayt Officer for one or more districts to discharge such functions as may be prescribed.

(2) The Government may appoint one Panchayat Inspector for one or more Talukas to discharge such functions as may be prescribed.

(3) The Government shall have power to regulate the relations of such officers to Revenue Officers in the area for which they are appointed.

(4) The expenses in respect of salary and allowances of such officers and their establishments shall be a charge on the Consolidated fund of the State.

Delegation of powers of the Government.

**123.** (1) The Government may, by notification, delegate any of its powers under this Act, except the powers to make rules, to any officer or District Board which it may deem fit, to be exercised for the whole State or a part thereof.

(2) The District Board may, with the approval of Government delegate all or any of its powers under this Act to its President or Executive Officer or to any other Officer.

(3) The Government may, by notification, authorise any person to exercise in respect of Gram Panchayats any of the powers conferred on a District Board under the provisions of this Act when such District Board shall have been dissolved or superseded.

Appeals.

**124.** (1) An appeal shall lie from the following orders passed by the Gram Panchayat to the Munsiff-Magistrate within whose jurisdiction the Gram Panchayat is situated :—

(a) any final order of assessment of any tax under this Act ;

(b) an order requiring ruinous structure to be removed or repaired under section 54.

(2) An appeal shall lie from the following orders passed by a Gram Panchayat to the Tahsildar :—

(a) an order granting or refusing permission to erect or re-erect a building under section 52 ;

(b) an order granting or refusing to grant license under section 55 or revoking a license under section 56 ;

(c) an order requiring the discontinuance of trades and activities under section 56.

(3) An order of the Munsiff-Magistrate under sub-section (1) and the Tahsildar under sub-section (2) shall be final.

(4) An appeal under sub-section (1) and (2) shall not be admitted unless it is preferred within thirty days from the date of the order appealed from :

Provided that any appeal preferred under sub-sections (1) and (2) or under any other provisions of this Act may be satisfied after the period specified, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.

(5) An appeal shall be preferred in the form af a memorandum signed by the applicant and shall be accompanied by a copy of the order appealed from.

(6) An appeal shall not operate as a stay of proceedings under an order appealed from except so far as the appellate authority may order, nor shall execution of an order by stayed by reason only of an appeal having been preferred from the order but the appellate authority may for a sufficient cause order the stay of execution of such order.

Revision.

**125.** The Government may, at any time, for the purpose of satisfying itself as to the correctness, legality or propriety of any proceedings of or order passed by the Gram Panchayat, Collector or any officer subordinate to the Government or the Gram Panchayat, acting in exercise of any power or authority conferred by or under this Act, call for and examine the records of any case pending before or disposed of by such officer and may pass such order with reference thereto as it thinks fit:

Provided that no order shall be reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

Power to make Rules.

**126.** (1) All the rules for which provision is made in this Act shall be made by the Government. Such rules may be general for all Gram Panchayats or may be special for the whole or any part of the area subject to the jurisdiction of one or more Gram Panchayats as the Government may direct. All such rules shall be laid before the Legistlative Assembly.

(2) In making any such rules the Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees and where the breach is a continuing one with further fine which may extend to a fine of five rupees for every day after the first during which the breach is proved to have been persisted in.

(3) In addition to any power specially conferred by this Act, the Government may make rules generally for the puspose of carrying into effect all or any provisions of this Act.

(4) In particular and without prejudice to the generality of the foregoing power the Government may make rules with regard to—

(i) declaration of a village for the purposes of this Act, under section 3, exclusion and inclusion of a ham-

let under section 4; publication of notifications under sections 7 and 9 ;

(ii) the delimitation of constituencies, under section 10; the time, mode and conduct of election of Panchas, under sections 13, 14, and 15, publication of names of Panchas under section 23 ;

(iii) prohibition of simultaneous membership in more than one constituency and in more than one Gram Panchayat under sections 20 and 21 ;

(iv) election petitions how to be presented, the procedure to be followed in dealing with such petitions and the decision thereon under section 24 ;

(v) the moving of no-confidence motion against Sarpanch or Upa-Sarpanch under section 28 ;

(vi) interpellation by the Panchas under section 36 ;

(vii) the constitution, proceedure and functions of sub-committees, under section 37 ;

(viii) the appointment of officers and servants and their conditions of service under sections 42 and 43 ;

(ix) the transfer of functions to a Gram Panchayat in respect of irigation works, under section 47 ;

(x) the assignment of certain powers of Government to Gram Panchayat, under section 49 ;

(xi) the manner and conditions which may be be prescribed to erect or re-erect any building under section 52 ;

(xii) the conditions for issuing licenses under sections 55, 56 and 57 and the fees which may be charged therefor ;

(xiii) regulating or prohibiting the use for any specified purpose, of any tank, well, stream or watercourse under sections 59 and 60 ;

(xiv) regulating or prohibiting the slaughter of animals under section 64 ;

(xv) the independent authority which the Gram Panchayat may exercise in respect of public institutions, maintained out of its fund with reference to section 65 ;

(xvi) the preparation of village plan and its notification under section 66 ;

(xvii) provisions for empowering a Gram Panchayat for maintenance of law and order and prevention of crimes under section 67 ;

(xviii) the formation of Gram Panchayat Fund and its administration and expenditure from that fund under sections 70 and 73 ;

(xix) the conditions and procedure for borrowing under section, 74 ;

(xx) the preparation and form of annual estimate of income and expenditure, the date of submission and the items of budget, the scrutiny and its sanction under sections 75 and 76 ;

(xxi) the accounts to be kept and the statements and reports to be submitted and other particulars under sections 77, 78 and 79 ;

(xxii) the imposition and assessment and collection of taxes and fees specified under section 80 and fixing the maximum amounts or rates thereof and for preventing execution of assessment and payment, for fixing the rates for performance of labour under section 87 and the fee payable for notices of demand and warrant under section 100 ;

(xxiii) the form in which the bill may be presented under section 94 ;

(xxiv) the conditions under which the collection of tax, toll or fee may be farmed out ;

(xxv) the manner in which the refunds may be made and the irrecoverable amounts of taxes may be written off under sections 109 and 110 ;

(xxvi) prescribing the functions and duties of officers appointed under section 122 ;

(xxvii) the manner and the fees for inspection of records and obtaining the copies thereof under section 147 ;

(xxviii) all matters relating to elections to a Nyaya Panchayat including the deposits to be made by the candidates standing for election and the conditions under which such deposits may be forfeited; the disputes relating to electoral rolls or elections, under section 167 ;

(xxix) the manner in which the election of Pradhan and Upa-Pradhan is to be held under section 168;

(xxx) the manner in which the oath of Office is to be taken by every Nyaya Panch under section 170;

(xxxi) the manner in which a Nyaya Panchayat shall determine and dispose of suits under section 191 ;

(xxxii) the form of summons and the manner of its service under sections 200 and 209 ;

(xxxiii) the manner in which the decree or order of a Nyaya Panchayat is to be executed under section 216 :

Provided that no such rules under this section shall be made by the Government without previous publication in the official Gazette.

## CHAPTER IX.

### Miscellaneous.

Liability of Sarpanch, Upa-Sarpanch, Karbhari for loss, waste or misapplication of property.

**127.** (1) If, after giving the Sarpanch, Upa-Sarpanch or the Karbhari, sufficient opportunity for showing cause to the contrary, the Collector is satisfied that the loss, waste or misapplication of any money or other property owner by or vested in the Gram Panchayat is a direct consequence of misconduct or gross neglect on the part of such Sarpanch, Upa-Sarpanch or Karbhari the Collector may, by order in writing, direct the Sarpanch, Upa-Sarpanch or Karbhari to pay to the Gram Panchayat, before a date fixed, the amount required to reimburse it for such loss, waste or misapplication, unless the Sarpanch, Upa-Sarpanch or Karbhari proves that he had acted in good faith.

(2) If the amount is not so paid, the Collector shall cause it to be recovered as arrears of land revenue and credited to the Gram Panchayat Fund.

(3) An appeal shall lie within 30 days from any decision of the Collector under this section to the Government whose decision shall be final.

Bar of suit in respect of act done in good faith.

**128.** No suit or other legal proceedings shall lie against the Sarpanch, Upa-Sarpanch, or a Panch or any Officer, servant of Gram Panchayat or any person acting under its direction, in respect of anything done in good faith under this Act or any rule made thereunder.

Prohibition of suits.

**129.** No Civil Court shall entertain a suit arising out of or connected with any matter in relation to which this Act or any rule made thereunder provides that the decision of any authority shall be final.

Bar of suit in absence of notice.

**130.** No suit shall be instituted against any Gram Panchayat or any Panch, Officer or servant thereof, or any person acting under the direction of any such Gram

Panchayat, Panch, Officer or servant for any thing done or purporting to be done under this Act, until the expiration of two months next after a notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims. Such notice shall be in the case of a Gram Panchayat delivered or left at its office and in the case of any such Panch, Officer or servant or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

**Offences and Punishments.**

Punishment for obstructing Gram Panchayat, etc.,

**131.** Whoever obstructs a Gram Panchayat or a Panch or any person employed by the Gram Panchayat or any person with whom it has contracted in the performance of its duty, under the provisions of this Act or of any rule made thereunder, or prevents or tries to prevent any person from doing anything which he is empowered or required to do by virtue of this Act, or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work, authorised by this Act, or removes, destroys, or defaces or otherwise obliterates any notice put up or exhibited by a Gram Panchayat or under its authority, shall be liable on conviction to a fine not exceeding fifty rupees.

Punishment for erection or re-erection of a building without permission etc.

**132.** Whoever erects, or re-erects a building without the written permission required by section 52 or in contravention of any of the conditions imposed by the said section shall be punishable with fine which may extend to hundred rupees. He shall also be liable to a further fine which may extend to five rupees for each day after conviction during which he is proved to have persisted in the offence.

Destroying or defacing name or numbers.

**133.** Whoever destroys, pulls down or defaces any name or number put up under section 51 by an order of the Gram Panchayat or puts up any different name or number, shall be punishable with a fine which may extend to twenty rupees.

Despositing or throwing earth, rubbish, etc, on roads or into drains.

**134.** Whoever, without the written permission of the Gram Panchayat or in disregard to its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or ma-

terial of any description, refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to fifty rupees.

Discharging sewage.

**135.** Whoever, without the written permission of the Gram Panchayat, causes or allows the water of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose, shall be punishable with a fine which may extend to fity rupees.

Other offences and punishments.

**136.** Except as otherwise provided, whoever contravenes any provision of, or fails to comply with any requisition lawfuly made under sections 56, 57, 58, 59 and 60, shall be punishable for each of such offences with fine which may extend to hundred rupees. He shall also be liable to a further fine which may extend to five rupees for each day after conviction during which he is proved to have persisted in the offence.

Disobedience of orders not punishable under any other section.

**137.** Whoever disobeys any lawful directions given by public notice or any notice lawfully issued under this Act or fails to comply with the conditions subject to which any permission was given to him shall, if no penalty for such offence is provided elsewhere in this Act or the rules made thereunder be punishable with fine which may extend to fifty rupees, and, in case of continuing breach, with a further fine which may extend to five rupees for each day after the first, during which breach is proved to have been persisted in.

Cognizance of offences.

**138.** (1) Unless otherwise expressly provided in this Act, no court shall take cognizance of any offence punishable under this Act or rules made thereunder, except on the complaint of, or upon infomation received from the Gram Panchayat or any person authorised by the Gram Panchayat in this behalf.

(2) The Gram Panchayat may authorise any person to make complaints or give information, without reference to the Gram Panchayat, either generally in regard to all offences against this Act and rules made thereunder or particularly in regard to only specified offences. Such person may be authorised by virtue of his office, if he is the Sarpanch, Upa-Sarpanch, Karbhari or the Officer-in-

Charge of a Police station; in other cases the authority shall be by name. The authority shall in all cases be in writing and may, at any time, be cancelled by the Gram Panchayat.

(3) No prosecution for an offence under this Act or the rules made thereunder shall be instituted except within six months of the commission of such offence.

Power to compound offences.

**139.** (1) The Gram Panchayat, may compound for a sum not exceeding rupees five hundred except electoral offences, any offence under this Act or any rule made thereunder which, under the law for the time being in force, may legally be compounded.

(2) On payment of the amount by way of compensation no further proceedings shall be taken or continued against the defaulter in regard to the offence or alleged offence so compounded.

Notice shall be in writing

**140.** All notices given or issued under the provisions of this Act or rules made thereunder shall be in writing.

Services of notices, etc., addressed to individuals.

**141.** Service of every notice and bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for, in this Act, be effected by a Gram Panchayat or an officer or servant or other person authorised by the Gram Panchayat in this behalf or, on such terms as may be agreed upon, by any officer or servant of the Government in the following manner:—

(a) Wherever it is practicable service shall be made by delivering or tendering the notice or bill personally to the person to whom it is addressed, unless he has an agent empowered to accept service, in which case service on such agent shall be sufficient.

(b) Where such a person cannot be found and has no agent empowered to accept service on his behalf, service may be made on any adult made member of his family who is residing with him.

**Explanation.**—A servant is not a member of the family within the meaning of this clause.

(c) where the serving officer delivers or tenders the notice or bill to such person personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom it is so delivered or tendered to, an acknowledgement of service.

(d) Where such person or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the serving officer, after using all due and reasonable diligence, cannot find such person and there is no agent empowered to accept service on his behalf, nor any other person on whom service can be made, the serving officer shall affix the notice or bill on the outer door or some conspicuous part of the house in which he ordinarily resides or carries on business or or personally works for gain and shall then return the original to the authority who issued the notice or bill with a report endorsed thereon or annexed thereto, stating that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed.

(e) The serving officer shall, in all cases in which service has been made under clause (c), endorse or annex, on or to the original notice or bill, a return stating the time when and manner in which it was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender.

(f) Where the authority issuing the notice or bill is satisfied that there is reason to believe that the person to whom it is addressed is keeping out of the way for the purpose of avoiding service, or that for any other reason the notice or bill cannot be served in the ordinary way, such authority shall order it to be served by affixing a copy thereof in some conspicuous place in the office, and also upon some conspicuous part of the house (if any) in which such person is known to have last resided or carried on business or personally worked for gain, or in such other manner as he thinks fit. Service substituted by order of such authority shall be as effectual as if it has been made on such person personally. Where service is substituted by order of the authority, the the authority shall fix such time for the appearance of the person as the case may require.

(g) Where the person to whom the notice or bill is addressed resides out of the village and has no agent in the village empowered to accept service, the notice or bill shall be addressed to him at the place where he is residing and sent to him by post, if there is postal

communication between such place and the place from which the notice or bill is sent.

Service of Notices on owners or occupiers of buildings and lands.

**142.** When any notice under this Act, is required or permited by or under this Act to be served upon an owner or occupier of any building or land, the service thereof, in cases not otherwise specially provided for in this Act, shall be effected—

(a) by giving or tendering the notice to the owner or occupier, or, it there be more owners or occupiers than one, to any one of them ;

(b) if no such owner or occupier be found then by giving or tendering the notice to some adult made member of the family of any such owner or occupier as aforesaid ;

(c) If none of the means aforesaid be available then by causing the notice to be affixed on some conspicuous part of the building or land to which the same relates.

Publication of public and general notice.

**143.** Every notice which this Act requiries or empowers a Gram Panchayat to give or to serve, either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if it has been published by proclaimation made by beat of drum in the locality and a copy thereof has been posted to a notice board at the office of the Gram Panchayat or in such other public buildings or places as the Gram Panchayat may decide, or has been published in any newspaper having a circulation in the village.

Defective form of notice ; fixation of reasonable time and consequence of non-compliance.

**144.** (1) No notice or bill shall be invalid merely on account of any defect in the form.

(2) When any notice requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(3) In the event of non-compliance with the terms of the notice the Gram Panchayat may take such action or steps as may be necessary for the doing of the act thereby required to be done, and all the expenses thereby incurred by the Gram Panchayat shall be paid by the person or persons upon whom a notice was served, and shall be recoverable in the same manner as arrears of tax.

Panch and Officer of the Gram Panchayat to be public servant.

**145.** The Sarpanch, Upa-Sarpanch, Panch, Karbhari, and every Officer or servant appointed under this Act and every contractor or agent for the collection of any tax and every servant or other person employed by any contractor or agent shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

Assistance of Police to the Gram Panchayat.

**146.** Every Police Officer in whose jurisdiction the village is situated, shall be bound to assist the Gram Panchayat in exercise of their lawful authority.

Records to be open to inspection.

**147.** Subject to rules made under this Act and to the payment of such fees as may be prescribed the records and reports of the Gram Panchayat and its Sub-Committees shall be open to inspection to such persons of the village as may desire to inspect and certified copies thereof shall be given to such persons as may apply for them :

Provided that no inspection of confidential records and reports, if any, shall be allowed.

Bidding prohibited.

**148.** No Panch, employee of a Gram Panchayat or any Officer having any duty to perform in conncetion with the sale of movable or immovable property under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

Effect of area ceasing to be a village.

**149.** On any area ceasing to be a revenue village by the Government issuing a notification to that effect—

(a) The Gram Panchayat established therefor shall shall be dissolved and all members of the Gram Panchayat shall vacate office as from the date of the notification ;

(b) The unexpended balance of the Gram Panchayat fund and the property vesting in the Gram Panchayat shall vest in the District Board, to be utilised for the benefit of the inhabitants of the area as the Distric Board may think fit.

## CHAPTER X.

### Conciliation.

Definition.

**150.** In this chapter unless the context requires otherwise—

(a) 'Dispute' means a civil dispute including revenue proceedings ;

(b) 'Board' means the Conciliation Board constituted for a village.

Concilliation Board and its constitution.

**151.** Where a Nyaya Panchayat is established there shall be a Conciliation Board for every village consisting of the Sarpanch or in his absence the Upa-Sarpanch, and two Panchas of the Gram Panchayat—each party to the dispute to select one Panch :

Provided that the Sarpanch or Upa-Sarpanch shall not take part in the conciliation proceedings if such Sarpanch or Upa-Sarpanch is—

(a) a party to or in any way connected with the dispute ;

(b) the father, mother, grand father, grand mother, sister, husband, wife, brother or first cousin of either of the party to the dispute :

Provided further that where—

(i) the Sarpanch is a party to or connected with the dispute or related to any of the parties as aforesaid the UpaSarpanch shall perform the duty of the Sarpanch ;

(ii) both the Sarpanch and the Upa-Sarpanch are parties to the dispute or related to either of the parties as aforesaid, one of the Panchas, to be elected for the purpose by the Panchas, shall, perform the duties of the Sarpanch.

Place of proceedings.

**152.** The Board may hold its proceedings in any place within the village.

Jurisdiction.

**153.** In case of a dispute the Board of the village, within whose limits the defendants reside or carry on busines or work for gain or the property in dispute is situate, shall have jurisdiction to undertake conciliation.

Bar to suit.

**154.** (1) No Nyaya Panchayat shall take cognizance of any dispute unless a certificate of failure of conciliation proceedings in respect thereof has been produced before it by the plaintiff.

(2) If any plaint or application is filed before the Nyaya Panchayat without the matter having been referred to the Board, the Naya Panchayat shall return the plaint or application, as the case may be, to the party for presenting it to the Board concerned.

Application for conciliation.

**155.** (1) Either of the parties to the dispute shall refer the dispute to the Board concerned for conciliation before filling a suit in respect thereof provided the dispute is cognizable by the Nyaya Panchayat.

(2) The application for the conciliation may be made in writing or orally and must state the names and description of the parties and a statement of the dispute, and shall, if made in writing, be signed by the person making it.

(3) On receiving the application, the Board shall fix a date, time and place for hearing the dispute and shall inform the other party to the dispute of the same, allowing the reasonable time for appearance:

Provided that in case such party is a minor either his parents or lawful guardian shall also be informed by the Board of the first date and place of hearing.

(4) Each party to the dispute shall appear before the Board at the time and date appointed.

(5) If a party due to any valid reason is unable to appear on the appointed date, time and place fixed as aforesaid he shall inform the Board of his inability to attend and the reason therefor. The Board may adjourn or terminate the proceedings as they deem fit.

(6) The person or persons who fail to comply with the provisions of sub-section (5) shall be liable to fine upto ten rupees and for the next default to a fine extending to twenty rupees, and the fine shall form a part of the Gram Panchayat Fund.

(7) The proceedings shall not be open to the public but the husband of a party or parents or lawful guardian of a party who is a minor can be present at the hearing.

Proceedings to be oral and continuous.

**156.** (1) The conciliation proceedings shall be oral and as far as possible continuous and shall be concluded within one month of the date of reference.

(2) If the proceedings are not terminated within one month it shall be deemed to be a failure of conciliation proceedings.

Production of witnesses.

**157.** The Board shall hear the witnesses who are produced before it by the parties or appear voluntarily, but it shall not have any power to summan them to appear and give evidence before it and their evidence shall not be taken down in writing.

Hearing of witnesses.

**158.** The Board shall have no power to administer oath either to the parties or to their witnesses.

Result of conciliation.

**159.** (1) If a compromise between the parties is effected it shall be reduced into writing and brought on record.

(2) .The record shall contain—

(a) the time and place of the proceedings;

(b) the names of the parties appearing, their lawful representatives and guardians, if any;

(c) a brief statement of the claim of each party;

(d) the dispute and its subject-matter;

(e) the settlement:

Provided that where no compromise has been arrived at, only itmes at (a), (b) and (c) are to be mentioned as well as the fact of the failure to arrive at a compromise.

(3) The record of the proceedings shall be read out to the parties or given to them for reading and the fact that the same has been read over and admitted by the parties to be correct shall be noted.

(4) The parties and members of the Board shall sign the record or affix their thumb impressions thereon.

Maintenance of registers and their safe custody.

**160.** (1) The Sarpanch or in his absence the Upa-Sarpanch shall be responsible for the maintenance and custody of the register of the conciliation proceedings.

(2) The parties or their representatives shall be entitled to a copy of the findings of the Board on payment of one rupee for each copy which shall be attested by the Sarpanch and bear the date of application and the supply of copy and the name of the person apply for the same.

Execution of settlement.

**161.** (1) The settlement shall take effect as if it were a decree or order of the Nyaya Panchayat.

(2) Nyaya Panchayat or the Court, as the case may be, shall inform the Board of the execution of the settlement and the Board shall make an entry to that effect in its register.

(3) Notwithstanding anything contained in the law of registration for the time being in force the settlement made under section 159 shall not be liable to registration.

Saving of limitation.

**162.** The time spent in proceedings before the Board shall be excluded when counting the period of limitation for every suit or application.

Secrecy of proceedings.

**163.** (1) No member of the Board shall disclose to any person, Court or authority anything which has come to his knowledge in the course of conciliation proceedings nor shall he be compelled by any court or authority to answer any question relating to such proceedings.

(2) A person contravening the provisions of sub-section (1) shall be liable to simple imprisonment which may extend to six months or fine not exceeding on thousand rupees or both.

(3) Any person aggrieved may file a complaint in respect of the contraventions of the provisions of sub-section (1) before a magistrate of the first class having jurisdiction.

## CHAPTER XI.

### Constitution, Establishment and Power of Nyaya Panchayats.

Nyaya Panchayats.

**164.** (1) The Government may establish Nyaya Panchayat for the administration of Criminal and Civil justice in such village or group of villages consisting of not more than ten, as it may, by notification published in the Official Gazette, declare :

Provided that the villages comprising a group shall, as far as possible, be contiguous.

(2) Such a Nyaya Panchayat shall be known by such name as may be specified in the notification issued under sub-section (1).

Constitution of a Nyaya Panchayat.

**165.** Every village shall elect five persons—

(a) to act as Nyaya Panchas for a Nyaya Panchayat established for a village ;

(b) to form a panel of Nyaya Panchas for a Nyaya Panchayat established for a group of villages.

Qualification and disqualification of a Nyaya Panch.

**166.** Any person shall, subject to the provisions of of sections 16 and 17, be qualified to be elected as a Nyaya Panch :

Provided that such person is—

(i) a permanent resident of the village,

(ii) not a Panch of the Gram Panchayat of the village, and

(iii) able to read and write.

Election to a Nyaya Panchayat.

**167.** (1) The election to a Nyaya Panchayat shall be conducted in the manner prescribed.

(2) The list of voters maintained under section 11 shall be deemed to be the list of voters for the purposes of sub-section (1).

Election of Pradhan and Upa-Pradhan.

**168.** All the Nyaya Panchas elected under section 165 shall, at a meeting convened for the purpose in the manner prescribed, elect from amongst themselves, two persons who are able to record proceedings, to act as Pradhan and Upa-Pradhan of the Nyaya Panchayat.

Term of office.

**169.** (1) The term of office of every Nyaya Panch shall be three years from the date of election or if the Government so declares by notification published in the Official Gazette, for such longer term not exceeding four years as may be specified.

(2) Every Pradhan or Upa-Pradhan shall cease to hold office on the expiry of his term of office as Nyaya Panch :

Provided that on the expiry of the term of office as Nyaya Panch the Pradhan and Upa-Pradhan shall continue to carry on the current administrative duties of their offices until such time as a new Pradhan or Upa-Pradhan is elected and takes over charge.

Oath of office.

**170.** Every Nyaya Panch elected under Section 165 shall take oath of office in such manner, as may be prescribed.

Resignations.

**171.** (1) The Upa-Pradhan or any other Nyaya Panch may submit in writing the resignation of his office to the Pradhan.

(2) The Pradhan may submit in writing the resignation of his office to the Collector.

(3) No resignation tendered under sub-section (1) or (2) shall be valid unless it has been accepted by the Pradhan or Collector, as the case may be.

Removal.

**172.** (1) The Pradhan, Upa-Pradhan or any Nyaya Panch may be removed at any time by the Collector or the competent Officer in the manner prescribed, if he—

(a) incurs any disqualification under clauses (a), (b), (c) and (d), of sub-section (1) of section 18 ;

(b) refuses to act or becomes incapable of acting;

(c) absent himself from the sittings of the Nyaya Panchayat for more than a month unless leave, so as

to absent himself (which shall not exceed three months) has been granted by the Pradhan :

Provided that in case of Pradhan leave shall be granted by the Collector ;

(d) is in the opinion of the Collector or the competent officer, guilty of misconduct in the discharge of his duties ;

(e) is in the opinion of the Collector undesirable in the public interest to continue in the office.

(2) A Nyaya Panch removed under sub-section (1) shall not be entitled to re-election as a Nyaya Panch for a period of five years.

Filling of casual vacancy.

**173.** If a vacancy in the office of a Pradhan, Upa-Pradhan or a Nyaya Panch arises by reason of his death, resignation or removal, it shall be filled for the un-expired portion of his term in the manner provided in this Act

Seal of Nyaya Panchayat.

**174.** Every Nyaya Panchayat shall have a seal in accordance with the prescribed pattern bearing its name, the name of the Taluq and District in which it is established and shall therewith seal all decrees, orders, proceedings, processes, receipts and copis issued by it.

Constitution of a bench.

**175.** (1) The Pradhan shall for the trial of every case, suit or proceedings form a bench of five Nyaya Panchas from the panel elected under clause (b) of section 165:

Provided that at least one of the Nyaya Panchas in the bench shall be a person who is able to record evidence and proceedings.

(2) The Nyaya Panchayat established under clause (a) of section 165 shall be deemed to be a bench for the trial of every case, suit or proceedings.

(3) Every bench formed under sub-section (1) shall include one Nyaya Panch who resides in the village in which the plaintiff of a suit or proceedings or the complainant of a case resides and likewise one Nyaya Panch residing in the village in which the defendant or the accused resides, and three Nyaya Panchas residing in the village in which neither party resides :

Provided that in police cases one Nyaya Panch shall be such as may be residing in the village in which the offence was committed, one Nyaya Panch residing in the village in which the accused resides and three Nyaya Panchas residing in the vilages other than those mentioned above.

(4) No Pradhan or Upa-Pradhan or a Nyaya Panch shall take part in the trial of any case, suit or proceedings to which he or his near relation, employer, employee or partner in business is a party or in which any of them may be personally interested.

Absence of a Nyaya Panch at a hearing.

**176.** (1) If any Nyaya Panch is absent from any hearing of a case, suit or proceedings the remaining Nyaya Panchas may, notwithstanding anything contained in this Act, try the case, suit or proceedings:

Provided that at least three Nyaya Panchas are present.

(2) No trial as aforesaid shall be invalid by reason merely that all the five Panchas forming the bench were not present at any hearing or that the same Panchas were not present at all the hearings.

(3) The provisions of sub-sections (1) and (2) shall **mutatis mutandis** apply to an inquiry made by a Nyaya Panchayat under section 189.

Territorial Jurisdiction.

177. (1) Notwithstanding anything contained in the Code of Criminal Procedure 1898 (V of 1898), every case instituted under this Act shall be instituted before the Pradhan of the Nyaya Panchayat of the village or group of villages, as the case may be, in which the offence is committed.

(2) Notwithstanding any thing contained in the Code of Civil procedure, 1908 (V of 1908), every suit instituted under this Act shall be instituted before the Pradhan of the Nyaya Panchayat of the village or group of villages, as the case may be, in which the defendant or any of the defendants, where they are more than one, ordinarily resides or carries on business at the time of the institution of the suit irrespecttive of the place where th cause of action arose.

(3) Notwithstanding anything contained in the Hyderabad Record of Rights in Land Regulation, 1358 F., and in the Hyderabad Tenancy and Agricultural Lands Act, 1950, (XXI of 1950), any proceedings specified under section 194 shall be instituted before the Pradhan of the Nyaya Panchayat of the village or group of villages, as the case may be, in which the defendant or any of the defendants reside or the land in dispute is situated.

Criminal powers.

**178.** (1) A Nyaya Panchayat shall have jurisdiction to try the offences specified in Schedule 'E'.

(2) In addition to the offences specified in Schedule 'E' a Nyaya Panchayat shall have jurisdiction to try any other offence under any other enactment declared by the Government to be congnizable by the Nyaya Panchayat.

Certain persons accused of theft not to be tried by Nyaya Panchayat.

**179.** No Nyaya Panchayat shall take congnizance of any offence in which the accused—

(a) has been previously convicted of an offence with imprisonment of either description for a term of three years or more, or

(b) has been previously fined for theft by any Nyaya Panchayat, or

(c) has been bound over to be of good behaviour in proceedings instituted under Section 109, or Section 110 of the Code of Criminal Procedure 1898 (V of 1898).

Security for keeping peace.

**180.** (1) Whenever the Pradhan or in his absence the Upa-Pradhan has reason to apprehend that any person within the jurisdiction of the Nyaya Panchayat is likely to commit a breach of peace or disturb public tranquality he may, by order in writing setting forth the substance of the information or the facts in his personal knowledge, require such person to show cause why he should not be ordered to execute a bond with or without sureties for an amount not exceeding rupees two hundred and fifty for keeping the peace for a period not exceeding one year.

(2) When two or more persons have been associated together in the matter under enquiry they may be dealt within the same or separate enquiries as the Nyaya Panchayat deems fit.

(3) When any person appears or is brought before the Nyaya Panchayat in compliance with or in execution of a summons the Nyaya Panchayat shall proceed to enquire into the truth of the information on which action has been taken and to take such further evidence as may be necessary.

(4) If, upon such enquiry the Nyaya Panchayat is satisfied that it is necessary for keeping the peace that the person in respect of whom the enquiy is made should execute a bond wiith or without sureties, the Nyaya Panchayat shall make an order accordingly :

Provided that the when the person in respect of whom the enquiry is made is a minor, the bond shall be executed by his sureties.

(5) If upon such enquiry the Nyaya Panchayat is satisfied that it is not necessary for keeping the peace that the person in respect of whom the enquiry is made should execute a bond, the Nyaya Panchayat shall make an entry on the record to that effect and shall discharge him.

(6) Nothing contained in this section shall effect the powers of a Magistrate to take security for keeping the peace under section 107 of the Code of Criminal Procedure 1898 (V of 1898).

Penalties.

**181.** (1) No Nyaya Panchayat shall inflict a sentence of imprisonment.

(2) A Nyaya Panchayat may impose a fine not exceeding one hundred rupees but no imprisonment shall be awarded in default of payment.

Transfer of Criminal cases to the Nyaya Panchayat.

**182.** If at any stage of proceedings in a Criminal case pending before a Magistrate it appears that the case is triable by a Nyaya Panchayat, he shall at once transfer the case to that Nyaya Panchayat which shall try the case **denovo.**

Compensation to Complainant.

**183.** In imposing any fine the Nyaya Panchayat may order any portion or the whole of the fine recovered to be applied—

(a) in defraying the expenses properly incurred in the case by the complainant;

(b) in compensation for material damage or loss caused by the offence committed.

Compensation to accused for false or frivolous case.

**184.** If a Nyaya Panchayat is satisfied, after enquiry, that a case brought before it was false, malicious, frivolous or vexatious, it may order the complainant to pay to the accused such compensation, not exceeding rupees twenty five as it thinks fit:

Provided that no such order shall be passed unless the complainant is given an opportunity to show cause against it.

Release after admonition or on probation of good conduct.

**185.** (1) When any person is convicted by a Nyaya Panchayat and no previous conviction is passed against him, if it appears to the said Nyaya Panchayat that regard being had to the age, character and antecedents of the offender and to the circumstances in which the offence was committed, it is expedient—

(a) that the offender should be released after due admonition, the Nyaya Panchayat may, instead of sentencing him to any punishment, release him after due admonition, or

(b) that the offender should be released on probation of good conduct, the Nyaya Panchayat may, notwithstanding anything contained in the Code of Criminal Procedure 1898, (V of 1898), instead of sentencing him at once, direct that he be released on his executing a bond a sum not exceeding fifty rupees to appear and receive sentence when called upon during such period (not exceeding one year) as it may direct, and in the meantime to keep the peace and be of good behaviour.

(2) The amount of such bond, if forfeited, shall be recoverable by the Nyaya Panchayat as if it were a fine imposed under this Chapter.

Reference by Nyaya Panchayat to Munsiff-Magistrate.

**186.** (1) When any Nyaya Panchayat is of opinion that any suit or case before it is of such nature or of such intricacy or importance that it ought to be tried by a Court or that the accused in a case ought to receive a punishment different in kind from, or more severe than that which such Nyaya Panchayat is empowered to inflict, it shall stay proceedings and refer the suit or case to the Munsiff-Magistrate for orders.

(2) If the Munsiff-Magistrate is of opinion that the suit or case is of such nature, intricacy or importance that it ought not to be tried by the Nyaya Panchayat or that the accused in a case ought to receive a punishment different in kind from, or more severe than that which such Nyaya Panchayat is empowered to inflict he shall like cognizance of such suit or case, otherwise he shall return the suit or case to the Nyaya Panchayat, which made the reference for disposal.

Transfer of suit, case or porceedings.

**187.** (1) On the application of any of the parties or on his own motion and after notice to the parties, the Munsiff-Magistrate or the Deputy Collector, as the case may be, for the ends of justice, may, at any stage transfer any suit, case or proceedings, as the case may be, pending before a Nyaya Panchayat to another Nyaya Panchayat for trial and disposal.

(2) If there is no Nyaya Panchayat subordinate to the Munsiff-Magistrate or the Deputy Collector, as the

case may be, competent to try or dispose of such suit, case or proceedings the Munsiff-Magistrate or the Deputy Collector, as the case may be, may refer the matter to the District or Sessions Court or the Collector; and the District and Sessions Judge or the Collector may, after hearing the parties, transfer the same to any other Nyaya Panchayat competent to try or dispose of the same.

(3) Nothing in section 177 shall, in any way, affect the powers of the Munsiff-Magistrate, Deputy Collector, District and Sessions Judge or Collector to transfer such suit, case or proceedings; and on such transfer the Nyaya Panchayat to which the same is transferred shall try or dispose of the same, as if the same was instituted before it.

Conviction of a Nyaya Panchayat not to be a previous conviction.

**188.** A conviction by a Nyaya Panchayat under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code, 1860 (XLV of 1860).

Enquiry in case forwarded by Magistrate.

**189.** A Magistrate may direct an inquiry to be made under Section 202 of the Code of Criminal Procedure, 1898 by a Nyaya Panchayat in any case in which the offence is committed within the territorial jurisdiction of such Nyaya Panchayat and the Nyaya Panchayat shall inquire into the case and submit its report to the said Magistrate.

Extent of jurisdiction.

**190.** (1) Save as provided in Section 192 the jurisdiction of Nyaya Panchayat shall extend to any suit of the following description if its value does not exceed one hundred rupees:—

(a) a suit for money due on contract, other than a contract in respect of immovable property;

(b) a suit for the recovery of movable property or for the value thereof;

(c) a suit for compensation for wrongfully taking or injuring a movable property; and

(d) a suit for damages caused by cattle trespass.

(2) The Government may, by notification in the Official Gazette, direct that the pecuniary jurisdiction of any Nyaya Panchayat shall extend to all such suits of such value not exceeding five hundred rupees as may be specified in the notification.

Extention of jurisdiction.

**191.** Notwithstanding anything contained in this Act or in any law for the time being in force—

(i) parties to any civil or revenue dispute irrespective of its value arising within the territorial juris-

diction of a Nyaya Panchayat and not pending in any Court, may, by written agreement, refer the same for its decision to the Nyaya Panchayat and the Nyaya Panchayat shall, subject to rules prescribed, determine and dispose of such suit under this Act,

(ii) it shall be lawful for the Nyaya Panchayat to decide such disputes in accordance with any settlement, compromise or oath agreed upon by the parties.

Suits not triable by a Nyaya Panchayat.

**192.** A Nyaya Panchayat shall have no jurisdiction to take cognizance of the following suits :—

(i) a suit for a balance of partnership account, unless the balance has been struck by the parties or their agents;

(ii) a suit for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will;

(iii) a suit by or against the Central Government, State Government or a local authoriy or a Public Servant for acts done in his official capacity;

(iv) a suit by or against a minor or a person of unsound mind;

(v) a suit for the assessment, enhancement, reduction, abatement, apportionment or recovery of rent of immovable property.

(vi) a suit for any matter in respect of which any suit or application would be cognizable by a Board for the settlement or adjustment of debts.

Suits to include the whole claim.

**193.** (1) Every suit instituted before Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of or relinquishes any portion of the claim he shall not be permitted afterwards to sue in respect of the portions so omitted or relinquished.

Revenue proceedings.

**194.** All disputed proceedings under Section 4, 5 and 6 of the Hyderabad Record of Rights in Land Regulation No. LVIII of 1358 Fasli and under sections 5, 17,

18, 24, 28, 32, 39, 41, 45 and 46 of the Hyderabad Tenancy and Agricultural Lands Act 1950 (XXI of 1950) shall be instituted before a Nyaya Panchayat having jurisdiction, if the whole of the property involved is within the jurisdiction of the Nyaya Panchayat:

Provided that proceedings under section 6 of the Hyderabad Record of Rights in Land Regulation No. LVIII, 1358 F., in which land paying more than rupees two hundred land revenue is involved shal not be instituted before the Nyaya Panchayat:

Provided further that no application for correction of records or mutation of names shall be entertained by a Nyaya Panchayat.

Effect of dceision by the Nyaya Panchayat.

**195.** The decision of a Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

Dismissal of suits barred by limitation.

**196.** (1) If, at any time, the Nyaya Panchayat is of opinion that the suit is barred by limitation it shall dismiss the suit by an order in writing.

(2) If, at any time, the Nyaya Panchayat is of opinion that it has no jurisdiction to entertain the suit it shall return the plaint to the petitioner to be presented to the proper court.

Resjudicata and pending suits and cases.

**197.** (1) No Nyaya Panchayat shall try any suit or issue in respect of any matter which is pending for decision in, or has been heard or decided by any competent Court, in a former suit between the same parties under whom they or any of them claim.

(2) Where a case is pending in any Court against an accused person in respect of any offence or where an accused person has been tried for any offence, no Nyaya Panchayat shall take cognizance of any such offence or on the same facts, of any other offence of which the accused might have been charged or convicted.

Concurrent jurisdiction.

**198.** Where a case or suit is maintainable in more than one Nyaya Panchayat, the plaintiff or the complainant, as the case may be, may bring the case or suit in any one of the Nyaya Panchayats. Any dispute regarding jurisdiction shall be decided by the Munsiff-Magistrate having jurisdiction.

Instituiton of suits and cases.

**199.** (1) Any person who wishes to institute a case, suit or proceedings under this Act before a Nyaya Panchayat may make an appication orally or in writing to the Pradhan of the Nyaya Panchayat, in case of his absence to the Upa-Pradhan or in the absence of both to such other Nyaya Panch as the Pradhan may have appointed in this behalf and shall at the same time pay the prescribed fee. In every suit the plaintiff shall state its value.

(2) Where a case, suit or proceedings is instituted orally the Pradhan, Upa-Pradhan or the Nyaya Panch, as the case may be, receiving the application shall record without delay the prsceribed particulars and the signature or thumb impression of the applicant shall be taken thereon.

(3) The Pradhan or in his absence the Upa-Pradhan or in the absence of both the Nyaya Panch mentioned in sub-section (1), shall thereupon call a sitting of the Nyaya Panchayat or appoint a bench for disposal and shall also fix a date for the first hearing of the application before such bench and give notice of the said date to the applicant and to the members of the bench.

Summons to be issued to the defendant or accused.

**200.** The Nyaya Panchayat after hearing the application shall cause a written summons in the prescribed form to be issued and served on the defendant or the accused, as the case may be, requiring him to attend and produce his evidence on such date, and at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant to attend and produce his evidence on such date and at such time and place :

Provided that the Nyaya Panchayat may, for reasons to be recorded after hearing the application and examining the plaintiff or complainant, refuse a summons and dismiss the suit or the case.

Disposal of suits and cases in absence of party.

**201.** (1) If the plaintiff or the complainant fails to appear after having been informed of the time and place fixed for hearing, the Nyaya Panchayat may dismiss the case, suit or proceedings or pass such order as it may deem fit.

(2) If the defendant fails to appear and the Nyaya Panchayat is satisfied that he has received notice of the date fixed for hearing, it may decide the suit **ex parte.**

(3) If the accused fails to appear or cannot be found, the Nyaya Panchayat shall report the fact to the Munsiff-Magistrate, who would have had jurisdiction to try the offence but for the provisions of this Act, who may issue a warrant for the arrest of the accused, and after arrest, may forward him for trial to the Nyaya Panchayat or release him on bail to appear before it.

(4) The Nyaya Panchayat shall, if possible, try the case on the day on which the accused appears or is brought before it, but if that is not not possible the Nyaya Panchayat shall release him on executing a bond for a sum not exceeding twenty-five rupees to appear before it on any subsequent day to which the trial may be adjourned.

Nyaya Panchayat not to revise or alter its decision.

**202.** (1) Except as provided in sub-section (2) or to correct a clerical error, a Nyaya Panchayat shall have no power to cancel, revise or alter any decree or order passed by it.

(2) A Nyaya Panchayat may, for sufficient reasons to be recorded, on application made within one month of the date of decree or order or knowledge thereof, in case personal service of summons has not been effected, restore any suit or proceedings which has been dismissed in default or in which a decree or order has been passed **ex parte.**

Power to determine parties.

**203.** The Nyaya Panchayat shall add as parties to a suit any person whose presence as parties it considers necessary for a proper decision thereof and shall enter the names of such parties in the register of suits and the suit shall be tried as between the parties whose names are entered in the said register :

Provided that a notice shall be given to the person aforesaid who shall be given an opportunity of being heard before he is impleaded as a party.

(2) In all cases where a new party appears under sub-section (1) during the trial of a suit he may require that the trial shall begin **de novo**...

No legal practitioner to appear.

**204.** No legal practitioner shall appear, plead or act on behalf of any party in any suit or case before a Nyaya Panchayat.

Appearance in person or by representative.

**205.** Subject to the provisions of section 201, any party to a suit or case may appear before a Nyaya Panchayat either in person or by such servant (not being a tout), partner, relation or friend authorised by him as the Nyaya Panchayat may admit as a fit person to represent him :

Provided that such representative shall not be a legal practitioner or his clerk.

Compromise of suits and compounding of offences.

**206.** (1) Where it is proved to its satisfaction that a suit has been adjusted wholly or in part by oath or by any lawful agreement, compromise or satisfaction, the Nyaya Panchayat shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith so far as it relates to the suit.

(2) The Nyaya Panchayat may permit any case to be compounded :

Provided that when a Nyaya Panchayat does not pass a decree in accordance with the agreement, compromise or satisfaction under sub-section (1) or does not permit a case to be compounded under sub-section (2), it shall record its reasons.

Procedure and power to ascertain truth.

**207.** The Nyaya Panchayat shall receive evidence in a case, suit or proceedings as the parties may adduce and may call for such further evidence as, in their opinion, may be necessary for the determination of the points in issue. It shall be the duty of the Nyaya Panchayat to ascertain the facts of every case, suit or proceedings before it by every lawful means in its powers and make local investigation in the village to which it relates and thereafter to make such decree or order with or without costs as it may seem just and legal. Such decree or order shall state the finding and a brief statement of the reasons thereof. The Code of Civil Procedure, 1908 (V of 1908), the Code of Criminal Procedure 1898 (V of 1898), and the Indian Evidence Act, 1872, shall not apply to any case, suit or proceedings pending in a Nyaya Panchayat.

Majority to prevail.

**208.** In the event of any disagreement between the Nyaya Panchas the opinion of the majority shall prevail.

Issue of summons to witnesses.

**209.** (1) A Nyaya Panchayat may, if it considers the evidence of, or production of a document by, any person necessary in a case, suit or proceedings issue and cause to be served in the prescribed manner a summons

on such person to compel his attendance or to produce or cause the production of such document and such person shall be bound to comply with the directions contained in the summons.

(2) If any person, who is summoned by a Nyaya Panchayat by a written order to appear to give evidence or to produce any document before it, wilfully disobeys such summons or notice or order, the Nyaya Panchayat may make a complaint to the magistrate having jurisdiction and the said person shall be punishable with a fine which may extend to twenty-five rupees:

Provided that no woman shall be compelled to appear in person before the Nyaya Panchayat; she may however be examined on commission in the manner prescribed:

Provided further that if a document is produced in obedience to a summons, issued under this section, the Nyaya Panchayat shall cause the document to be copied, and copies to be marked, after comparing with the original, to be true copies and return the original document to the person producing the same.

Pending cases before Nyaya Panchayat at the expiry of the term of office.

**210.** A Nyaya Panchayat newly constituted on the expiry of the term of office of the outgoing Nyaya Panchayat shall hear and dispose of all suits, cases and proceedings pending before the latter on the date of expiry of such term:

Provided that the hearing of such suits, cases and proceedings shall commence afresh before the Nyaya Panchayat newly constituted, as if such suits, cases and proceedings were instituted before it.

Revision.

**211.** (1) (a) There shall be no appeal by a convicted person in any case tried by a Nyaya Panchayat.

(b) The decision of a Nyaya Panchayat in every suit or proceedings shall be final as between the parties to the suit or proceedings, as the case may be.

(2) The Munsiff-Magistrate or the Deputy Collector, as the case may be, may for the purpose of satisfying himself as to the correctness, legality or propriety of an order passed by the Nyaya Panchayat, in exercise of any power or authority conferred by or under this Act in any case, suit or proceedings, call for and examine the record of

any case, suit or procedings, as the case may be, pending before or disposed of, by the Nyaya Panchayat and may pass such order with reference thereto as he thinks fit:

Provided that no order shall be reversed unless notice has been given to the parties interested to appear and be heard.

**Death of parties.**

**212.** If the Plaintiff or defendent in any suit dies before it has been decided, the suit may be proceeded with at the instance of, or against the legal representatives of the deceased plaintiff or defendant, as the case may be.

**Instalments and interest.**

**213.** (1) A Nyaya Panchayat in ordering the payment of a sum of money or the delivery of any movable property may direct that the money be paid or the movable property be delivered by instalments.

(2) Where the decree is for payment of money, the Nyaya Panchayat may, in the decree, order interest at a rate not exceeding six per cent per annum.

**Costs.**

**214.** Subject to such conditions and limitations as may be prescribed and to porvisions of any law for the time being in force the cost of and incident to all suits shall be in the discretion of the Nyaya Panchayat which shall have full power to determine by whom and to what extent such costs are to be paid to give all necessary directions for the purposes aforesaid.

**Payment of adjustment of decree to be recorded.**

**215.** If on the application of the decree-holder or the judgment debtor the Nyaya Panchayat which passed the decree finds after enquiry that the decree has been satisfied wholly or in part, the Nyaya Panchayat shall record the fact in a prescribed register.

**Execution of decrees.**

**216.** (1) A decree or order passed by a Nyaya Panchayat shall be executed by it in such manner as may be prescribed. If the defendant's property is situated outside the jurisdiction of the Nyaya Panchayat, it may transfer the decree or order for execution in the prescribed manner to the Court of Munsiff-Magistrate within whose jurisdiction it is situated.

(2) If a Nyaya Panchayat finds any difficulty in executing a decree, it may forward the decree to the Munsiff-Magistrate who shall then execute the decree as if it were a decree passed by him.

Recovery of fines.

**217.** Fine imposed in a case by a Nyaya Panchayat shall be recoverable in the manner provided in section 386 of the Code of Criminal Procedure 1898, (Vof 1898) but if the Nyaya Panchayat finds any difficulty in its recovery it may request the Munsiff-Magistrate, within whose jurisdiction the Nyaya Panchayat lies, to recover it and he shall recover it as if the sentence of fine had been passed by him.

Inspection.

**218.** (1) The District and Session Judge, within whose jurisdiction the Nyaya Panchayat is situated shall have power, at all times, to inspect the proceedings and the records of a Nyaya Panchayat relating to suits and cases.

(2) The Collector shall have power, at all times, to inspect the records relating to the revenue proceedings.

Withdrawl of powers of Nyaya Panchayat.

**219.** (1) The Government may, by a notification in the Official Gazette, withdraw from a Nyaya Panchayat the power to take cognizance of all or any of the offences or suits mentioned in this chapter, if in the opinion of the Government, such Nyaya Panchayat has been incompetent in exercise of, or has been guilty of the abuse of, or is otherwise unsuitable for exercising the same powers.

(2) On issue of the notification under sub-section (1) withdrawing the power to take cognizance of all offences or suits mentioned in this chapter the Nyaya Panchayat shall be deemed to have been dissolved and all members of the Nyaya Panchayat shall vacate office as from the date of such notification.

(3) All pending cases, suits and proceedings for exetion of decrees and recovery of fines and compensation shall be transferred to the Munsiff-Magistrate and all pending revenue proceedings shall be transferred to the competent revenue officer, who would have had jurisdiction to try the case, suit or proceedings, if the Nyaya Panchayat had not been constituted and such Munsiff-Magistrate or the Revenue Officer shall deal with the proceedings as if the case, suit or proceedings out of which it arose had been heard and decided by him.

CHAPTER XII.

**Supplemental.**

Power of Gram Panchayat to delegate its powers.

**220.** (1) The Gram Panchayat may delegate any of its powers under this Act or the rules made thereunder to the Sarpanch, Karbhari or any other officer or servant of the Gram Panchayat.

(2) The Gram Panchayat shall have the power at any time to rescind, modify or withdraw the powers so delegated.

Cattle pounds to vest in Gram Panchayats.

**221.** Notwithstanding anything contained in section 209 of the Hyderabad District Boards Act, 1955 (I of 1956), the powers vested in the District Board shall, in respect of the cattle pounds constructed, maintained or managed by the said Board and situated within the village vest in the Gram Panchayat.

Conversion of a Town Committee into a Gram Panchayt.

**222.** (1)Notwithstanding anything contained in the Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951) or in this Act, the Government may, by notification published in the Official Gazettee, declare that a Town declared to be a Town Municipality under section 4 of the Hyderabad Municipal and Town Committees Act, 1951, shall, with effect from the date specified therein, cease to be a Town Municipality and be deemed to be a village for the purposes of this Act.

(2) On issue of the notification under sub-section (1) following consequences shall ensue namely :—

(a) the Town Committee of such town (hereinafter refered to as the Committee) shall cease to exist or to function ;

(b) there shall be constituted for the village an interim Gram Panchayat consisting of persons vacating office as members of the Committee and the President and Vice-President of the Committee shall, respectively, be deemed to be the Sarpanch and Upa-Sarpanch of the interim Gram Panchayat ;

(c) the unexpended balance of the municipal fund and property including arrears of rates, taxes and fees belonging to the Committee and all rights and powers which, prior to such notification, vested in the Committee shall, subject to all charges and liabilities affecting the same, vest in the Gram Panchayat as the Panchayat fund until the new Gram Panchayat is constituted in

pursuance of the Provisions of sub-section (1) of Section 223 ;

(d) any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made, issued, imposed or granted under the Hyderabad Municipal and Town Committees Act, 1951, immediately before the said date in respect of such town shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the village until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued, imposed or granted under this Act;

(e) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated under the Hyderabad Municipal and Town Committees Act, 1951, immediately before the said date in respect of such local area shall be deemed to have been made or authenticated under this Act;

(f) all debts and obligations incurred and all contracts made by or on behalf of the Committee immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the Gram Panchayat in exercise of the powers conferred on it by this Act;

(g) all officers and servants in the employ of the Committee immediately before the said date shall be deemed to be officers and servants of the Gram Panchayat under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject to on such date:

Provided that, it shall be competent to the Gram Panchayat, subject however, to the previous sanction of Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Gram Panchayat Service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service as if the Committee in the employ of which he was, had not ceased to exist ;

(h) all proceedings pending at the said date before the Committee shall be deemed to be transferred to and continued by the Gram Panchayat;

(i) all prosecutions instituted by or on behalf of the Committee and all suits or other legal proceedings instituted by or against such Committee or any officer of such Committee pending at the said date shall be continued by or against the Gram Panchayat as if such local area had been included in the village when such prosecutions, suits or proceedings were instituted.

Term of office of members of interim Gram Panchayt and their powers.

**223.** (1) The Collector shall, within a period not exceeding one year from the date on which the interim Gram Panchayat has been constituted, take steps to hold election for a new Gram Panchayat.

(2) The members of the interim Gram Panchayat shall hold office until the date immediately preceding the date of the first meeting of the new Gram Panchayat.

(3) During the period for which the members of the interim Gram Panchayat shall be in office as provided in sub-section (2) no Nyaya Panchayt shall be constituted for the village.

(4) All arrears of rates, taxes and fees vesting in the interim Gram Panchayt shall be recoverable under the provisions of this Act as if the rates, taxes and fees were imposed and recoverable under this Act:

Provided that steps to recover arears of taxes and fees shall be taken within a period of three years from the date on which they vest in the interim Gram Panchayat.

(5) In other respects the provisions of this Act shall **mutatis mutandis** apply to the interim Gram Panchayat and its members.

(6) If any difficulty arises,

(i) in the constitution of the interim Gram Panchayat or the new Gram Panchayat which succeeds it, or

(ii) in giving effect to the provisions of this section or section 222, the Government may by order, as occasion may require, do, notwithstanding anything contained in this Act or the Hyderabad Municipal and Town Committees Act, 1951, anything which appears to it to be necessary to remove the difficulty.

Conversion of Village Panchayat into Town Municpality.

**224.** (1) Notwithstanding anything contained in in this Act, when any village ceases to be a village by virtue of a notification under section 3 and is declared to be a Town Municipality under section 4 of the Hyderabad Municipal and Town Committees Act, 1951, the following consequences shall ensue namely :—

(a) the Gram Panchayat constituted for such village shall cease to exist or to function ;

(b) all Panchas of the said Gram Panchayat shall vacate office :

(c) till a Committee is constituted under the Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951), an Ad-hoc Committee consisting of officials and no-officials shall be constituted by the Government in the manner prescribed ; such Ad-hoc Committee shall perform and exercise powers to the extent as the Government may determine ;

(d) the Nyaya Panchayat established for the said village shall cease to exist and all the pending suits, cases and proceedings shall be transferred to the concerned Munsiff-Magistrate or the Deputy Collector, as the case may be.

(2) If any difficulty arsies in giving effect to the provisions of this section Government may by order, as occasion may require, do, notwithstanding any thing contained in this Act or the Hyderabad Municipal and Town Committees Act, 1951, anything which appears to it to be necessary to remove the difficulty.

Repeal and Savings.

**225.** The Hyderabad Village Panchayat Act, 1951 (VIII of 1951), is hereby repealed :

Provided that—

(a) any Panchayat constituted under the enactment so repealed (hereinafter referred to in this section as the said Panchayat) shall be deemed to have been constituted under this Act and the Panchas of the said Panchayat shall continue to hold office till the unexpired term of office under section 25 of this Act ;

(b) any appointment, notification, notice, tax, order, delegation, instruction, direction, scheme, license, permission, permit, certificate, rule or from made, published, issued, imposed or granted or deemed to have been made, issued, given, published, imposed or granted under the said enactment and still in force shall, so far as it is not inconsistent with this Act, be

deemed to have been respectively made, published, issued, given, imposed and granted under this Act;

(c) any tax or fee levied or collected or purporting to have been levied or collected under the said enactment shall, notwithstanding any defect in or there being no specific provisions in the said enactment relating to the levy or collection of such tax or fees be deemed always to have been validly levied or collected as if this Act were in force on the date on which such tax or fee was levied or collected;

(d) any right, privilege, obligation or liability acquired, accrued or entered under the said Act, shall be deemed to have been acquired, accrued or entered under this Act;

(e) any investigation, legal proceedings or remedy in respect of any such right, privilege, liability, penalty, forfeiture or punishment as aforesaid may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed; and

(f) all references made in any Act to any of the said enactment shall be read as if made to this Act or to the corresponding portion thereof.

SCHEDULE 'A'.

(See Section 68).

Murder, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, roberry, theft, mischief by fire, house-breaking, counterfeiting currency notes, coins or stamps, possessing instruments or materials for the purposes of such counterfeiting, causing grievous hurt, riot, administering stupefying drugs, kidnapping, personating public servants, manufacturing, selling or possessing arms without a license and going armed without a license, and all attempts, preparations and conspiracies to commit and abetments of the said offences.

SCHEDULE 'B'.

**Notice of Demand.**

*(See Section 95).*

To:

.....

residing at.....

Take notice that a sum of Rs..... .... is due by you to the Village Panchayat..... on account of..... for the period..... and that, if within fifteen days from the service of this notice, the said sum is not paid into the Panchayat Office..... sufficient cause for non-payment of the sum is not shown to the satisfaction either to the Sarpanch or the Karbhari a warrant of distress will be issued for the recovery of the same with costs.

Dated:.....

*Sarpanch*
or
*Executing Officer.*

——:o:——

SCHEDULE 'C'.

**Form of Warrant.**

*(See Section 96).*

To :

.....

(here insert the name of the officer charged with the execution of the warrant).

Whereas.....

(here give the name of the defaulter)

.....has not paid, or shown satisfactory cause for the non-payment of the sum of Rs.....due on account of the tax mentioned in the margin for the period commencing from .....and ending on.....and whereas fifteen days have elapsed since the service on him of the notice of demand for the same.

This is to command you to distrain, subject to the provisions of sections 94 to 100 of the Hyderabad Gram Panchayts Act, 1956, the goods and chattels of the said..... to the amount of Rs.....being the amount due from him as follows:—

| | Rs. | a. | p. |
|---|---|---|---|
| on account of the said tax..... | | | |
| for issue of warrant and such further sum as may be sufficient to defray the cost of recovering the said amount..... | | | |

and forthwith to certify to me, together with this warrant, all particulars of the goods seized by you thereunder.

Dated:.....

*Sarpanch.*

SCHEDULE 'D'.

**Form of Inventory and Notice.**

[*See Section 98 (c)*].

To.

.....

residing at.....

Take notice that I have this day distrained goods and chattels as mentioned below for the value of Rs.....due for the tax mentioned in the margin for the period commencing from..... .....and ending on.....together with Rs..... due for the service of notice of demand and Rs.....due for the issue of warrant and that if, within five days from the date of this notice, you do not pay into the Panchayat Office..... .....the said amount together with the costs of recovery, the said goods and chattles will be sold.

Dated:.....

*Signature of Officer, executing the warrant.*

SCHEDULE 'E'.

**Offences cognizable by a Nyaya Panchayat under Section 178.**

| Offence. | Section. |
|---|---|
| (a) Under the Indian Penal Code, 1860 (XLV of 1860): Committing an affray .. .. .. | 160 |
| Absconding to avoid service of summons or other proceeding .. .. .. .. | 172 |
| Non-attendance in obedience to an order from Public Servant .. .. .. .. | 174 |
| Intentionally omitting to produce a document .. | 175 |
| Refusing oath or affirmation when duly required by a Public Servant .. .. .. .. | 178 |
| Refusing to answer a Public Servant authorised to question .. .. .. .. .. | 179 |
| Refusing to sign statement .. .. .. | 180 |
| Disobedience to order duly Promulgated by Public Servant .. .. .. .. .. | 188 |
| Intentional insult or interruption to Public Servant sitting in a judicial proceeding .. .. .. | 228 |
| Negligently doing any act known to be likely to spread infection of any disease dangerous to life .. .. | 269 |
| Fouling the water of a public spring or reservoir .. | 277 |
| Rash driving or riding on a public way .. .. | 279 |
| Causing danger, obstruction or injury, to any public way. | 283 |
| Negligent conduct with respect to fire or combustible matter .. .. .. .. | 285 |
| Negligent conduct with respect to explosive substance. | 286 |
| Negligent conduct with respect to any animal committing a public nuisance .. .. .. | 289 |

SCHEDULE 'E' —(*Contd.*).

| Offence. | Section. |
|---|---|
| Continuance of nuisance after injunction of discontinuance .. .. .. .. | 291 |
| Obscene acts and songs etc. .. .. .. | 294 |
| Voluntarily Causing hurt .. .. .. | 332 |
| Voluntarily causing hurt on provcation .. .. | 334 |
| Act endangering life or personal safety of others .. | 336 |
| Wrongfully restraining any person .. .. | 341 |
| Assault or use of Criminal force otherwise than on grave and sudden provocation .. .. .. | 352 |
| Assault or use of Criminal force in attempt to commit theft of property carried by a person .. .. | 356 |
| Assault or use of Criminal force in attempt wrongly to confine a person .. .. .. | 357 |
| Assault or use of Criminal force on grave and sudden provocation .. .. .. .. | 358 |
| Unlawful compulsory labour .. .. .. | 374 |
| Theft or theft in a dwelling-house or theft by a servant where the value of the property stolen does not exceed Rs. 50 .. .. .. .. | 379, 380 and 381 |
| Dishonest misappropriation of property where the value of the property does not exceed Rs. 50 .. .. | 403 |
| Dishonestly receiving stolen property where the value of the property does not exceed Rs. 50 . .. .. | 411 |
| Mischief when the damage or loss does not exceed Rs. 50 in value .. .. .. .. | 426 |
| Mischief by killing, poisoning or maiming or rendering useless any animal of the value of Rs. 10 or upward .. | 428 |

SCHEDULE 'E' —(*Contd.*).

| Offence. | Section. |
|---|---|
| Mischief by doing any act which causes diminution of supply of water for agricultural purposes .. | 430 |
| Criminal trespass .. .. .. .. | 447 |
| House trespass .. .. .. .. | 448 |
| Dishonestly breaking open or unfastening any closed receptable containing or supposed to contain property .. | 461 |
| Intentional insult with intention to provoke a breach of peace .. .. .. .. | 504 |
| Criminal intimidation .. .. .. | 506 |
| Uttering any word or making any gesture intended to insult the modesty of a woman .. .. | 509 |
| Misconduct in public by drunken person .. .. | 510 |
| (b) Under the prevention of cruelty to Animals Act, 1313 Fasli (I of 1313 Fasli): | |
| Killing or treating animals with unnecessary cruelty | 3 & 4 |
| Employing animals unfit for labour .. .. | 5 |
| Baiting or inciting animals to fight .. .. | 5 (a) |
| Permitting diseased animals to go at large or to die in public places .. .. .. .. | 5 (b) |
| (c) Under the Hyderabd Cattle Trespass Act, 1337 Fasli (V of 1337 Fasli) : | |
| Forcibly opposing the seizure of cattle or rescuing the same .. .. .. .. .. | 21 (1) |
| (d) Under the Hyderabad Compulsory Primary Education Act, 1952 penalty for failure to cause a child to attend school .. .. .. .. | 9 |
| (e) Under the Hyderabad Vaccination Act 1951, (XXIV of 1951). | |
| Neglecting to produce a child for vaccination, or for medical examination after vaccination .. .. | 3 & 7 |

SCHEDULE 'E' —(Contd.).

| | Offence. | Section. |
|---|---|---|
| | Neglecting to produce a medical certificate of successful vaccination .. .. .. .. | 10 |
| | Refusing to give information or deliberately giving false information about an unprotected child .. .. | 13 & 17 |
| | For continuing for a month the neglect or default of order .. .. .. | 15 & 17 (2) |
| (f) | Except as otherwise provided, offences under this Act or rules made thereunder .. .. .. | |

——:o:——